

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO 33/2018

[2018] SCSC 723

THE REPUBLIC
versus
MOTHOMMONI DE SILVA
Accused

Heard:

Counsel: Mr Ananth, Assistant Principal State Counsel for the Republic
Mr Chetty for the accused

Delivered: 27 July 2018

SENTENCE

Dodin J

[1] I have heard counsel in mitigation in this case. The Convict is 43 years old. He has three children 21, 16 and 11. He is the breadwinner of the family. He also has his parents depending on him. He is a first time offender. He has pleaded guilty and therefore the Court does not have to go into a trial.

[2] The maximum penalty for this offence is a fine of SR2.5 million. In the circumstances I will impose a fine of SR500,000 on the Convict with the following conditions:

- (1) Should he pay the fine immediately then he is able to leave the jurisdiction.
- (2) Should he not be able to pay the fine then the vessel which is Nuwan Autha II shall be seized and sold and the proceedings of the sale shall go

towards the payment of the fine.

- (3) Any equipment that is on the vessel that has been used for fishing or any fish or fish products that was on the vessel or that is still on the vessel shall be seized and forfeited to the Republic.
- (4) The Convict is free to leave the jurisdiction after payment of the fine or alternatively as soon as it is agreed that he cannot pay the fine and the vessel is seized for sale.

[3] He can appeal against the conviction within 30 working days.

Signed, dated and delivered at Ile du Port on 27 July 2018



G Dodin
Judge of the Supreme Court