

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO36/2017

[2018] SCSC

1051

THE REPUBLIC

versus

STEVE JAMES RAGAIN

Accused

Heard: 27 September 2018

Counsel: Mr. Khalyaan Karunakaran Senior State Counsel for the Republic
Mr. Nichol Gabriel Attorney at law for the Accused

Delivered: 19 November 2018

SENTENCE

Burhan J

[1] The convict Steve Ragain was convicted of the following offences :

Count 3

Threatening and intimidating an NDEA Officer, contrary to Section 35(2) read with Section 35(3) and punishable under the Second Schedule of the Misuse of Drugs Act 2016.

Count 4

Using force against an NDEA Officer, contrary to Section 35(2) read with Section 35(3) and punishable under the Second Schedule of the Misuse of Drugs Act 2016.

- [2] Prior to sentencing the convict at the request of Learned Counsel for the convict a probation report was called for in respect of the convict. It is apparent from the probation report that the convict is 44 years of age and in relationship with one Myra Sinon and has a 2 year old child from the said relationship. It appears the convict is now currently self-employed as he has a clothing shop and a fishing boat. It is apparent he has undertaken to be a better person and a better father to his 2 year old child.
- [3] Learned Counsel for the Prosecution stated that the convict was having a previous conviction but not in respect of an offence of a similar nature.
- [4] Learned Counsel for the convict Mr. Gabriel stated that the convict was a changed person and attempting to be a person of good character and a fatherly figure, since the birth of his son. Since this offence the convict has not got involved in any incidents concerning the officers of the NDEA. He moves Court that the convict be given a chance as he is attempting to reform his ways and has given an undertaking to his counsel that he "will not see his face again". Learned Counsel for the convict moved Court to be lenient and not impose a custodial term of imprisonment on the convict.
- [5] I have considered the facts before Court. I also observe from the probation report that the victim concerned is living in fear after the threat being made on him by the convict. However I also note from the medical report filed that the injuries sustained were very superficial and not serious or life threatening in nature.
- [6] I therefore proceed to sentence the convict Steve Ragain as follows:

On **Count 3** to a fine of SR 2500/= (two thousand five hundred)).

As the victim has stated he lives in fear, I impose a term of 1 year imprisonment which I suspend for a period of 2 years in order to act as a deterrent from the convict committing an offence of a similar nature.

On **Count 4** to a fine of SR 2500/= (two thousand five hundred).

In default of payment of the total fine of SR 5000/= (five thousand), the convict is to serve a term of 6 months imprisonment.

[7] Nature of a suspended term of imprisonment explained to the convict.

Signed, dated and delivered at Ile du Port on 19 November 2018



M Burhan

Judge of the Supreme Court