

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO11/2018

[2018] SCSC

1050

THE REPUBLIC

versus

CHARLES PAUL ROSE

Accused

Heard: 16 October 2018
Counsel: Ms. Brigitte Confait Senior State Counsel for the Republic
Mr. Elvis Chetty Attorney at Law for the Accused
Delivered: 19 November 2018

SENTENCE

Burhan J

[1] The convict Charles Rose has been convicted of the following offence:

Count 1

Committing Acts intended to cause grievous harm contrary to Section 219 (a) of the Penal Code Cap 158, and punishable under to Section 219 of the said Act.

- [2] The convict pleaded guilty to the said charge and was convicted on his own plea of guilt. At the request of his Learned Counsel, a probation report was called, prior to the plea of mitigation and sentence.
- [3] I have considered the facts contained in the probation report. The convict is 53 years of age and the father of 6 children who are adults. It is also apparent from the probation report that the convict was suffering from a disability in his right arm following an accident and was on invalidity benefit for 4 months though the convict claims he was obtaining such benefit for a period of 10 years. The probation report also refers to the convict being an alcoholic which led to the incident and the report states the convict claims that the victim had threatened him with a knife and provoked him. It is apparent from the report that the victim is the step father of the convict. The probation report further states that the convict is a person with an aggressive nature. The probation report also indicates that they have intervened with the Agency of Social Protection to facilitate further invalidity assistance for the convict.
- [4] In mitigation Learned Counsel for the convict stated the convict had pleaded guilty without wasting the time of Court and has expressed remorse and regret by doing so. I also observe on perusal of the medical report on record dated 12 February 2018 that the victim has been in hospital for a period of 10 days with cut injuries and lacerations on the right side of the head, on the inner aspect of the left forearm and 2nd and 3rd fingers. A CT brain scan showed right parietal bone fracture on the outer table of the head.
- [5] I have considered the facts contained in the probation report and the plea in mitigation. I observe that serious injuries have been caused to the victim in this case. The convict has a history of aggressive behaviour. I also note that an offensive weapon, a knife, has been used in the committing the said injuries on the victim who was hospitalised for a period of 10 days and had to undergo surgery to repair cut tendons. At the same time I take into consideration the fact that the convict pleaded guilty and in doing so expressed remorse and saved the time of Court. However I am of the view considering the serious nature of the charge that a custodial term of imprisonment must be imposed. The charge attracts a

maximum term of life imprisonment. Having considered all the aforementioned factors. I proceed to sentence the convict Charles Paul Rose to a term of 4 (four) years imprisonment. I make no order in respect of a fine or compensation as the convict has been recommended invalidity benefits by the probation office. Time spent in remand to Count towards sentence.

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



M Burhan
Judge of the Supreme Court