

SUPREME COURT OF SEYCHELLES

Reportable
[2019] SCSC 602
CO 48/2018

In the matter between:

THE REPUBLIC
(rep. by Ms Benoiton)

and

RITTY RENE
(rep. by Mrs Amesbury)

Accused

Neutral Citation: *Rep vs Rene* (CO48/2018) [2019] SCSC
Before: Govinden J
Heard:
Delivered: 18 July 2019

SENTENCE

GOVINDEN J

[1] The Convict was charged as follows:-

Count (1)

Statement of offence

[2] Cultivation of a controlled drug namely cannabis plants contrary to Section 6(2) read with Section 21(3) and punishable under the section schedule of the Misuse Of Drugs Act 2016 (Chapter 133)

Particulars of offence

- [3] Ritty, Lina, Una Rene, a 26 years old female of Pointe Au Sel, Mahe, on the 26th of June 2018, at around 11.05 hours was found cultivating 18 cannabis plants on her premises adjacent to her house at Pointe Au Sel, Mahe.
- [4] The Convict pleaded guilty to this Count. Upon her own guilty plea, she was convicted by this Court.
- [5] In mitigation, Mrs Amesbury learned counsel for the defence prayed to this Court to show leniency in sentencing the Convict. She submitted that she has two children, one of which is one year old. And that she fell into the consumption of such drugs given her personal circumstances. She submitted that her cultivation as charged was for her personal use and that this was done in the yard of her house.
- [6] As a result learned counsel for the defence submitted that this Court should be mindful to pass a community-based sentence in order to allow the convict to spend time with her children, so that when she is serving her sentence the probation services can assist in the monitoring of the said sentence. Learned counsel further produced and submitted on certain sentences rendered by the Supreme Court in cases similar as the one before this Court.
- [7] These are *R vs Pascal Robin Malvin, SC 231/2018*, in which the convict was charged with cultivating 95 grams of cannabis resin and in possession of 24 grams of cannabis herbal materials. The Convict pleaded guilty on both counts, and he was sentenced to pay SR5,000 on both counts. The Convict was given a default sentence of two years if he failed to pay the fines in two weeks. The Court referred the Convict to the Probation Division for him to carry out an appropriate community-based program sentence.
- [8] The learned counsel also referred to this Court, the case of *Republic vs Eric Loizeau, SC 877/2018*, in which the Convict pleaded guilty to a charge of being in possession of 272.5

grams of Cannabis in Count 2, and in possession of 11 grams of cannabis herbal materials in count 3. He was sentenced to 6 months imprisonment which was suspended for two years in Count 2, and a fine of SR15,000 under Count 3 with a default sentence of 6 months imprisonment in case of non-payment of the fine.

[9] The learned counsel also referred to this Court the case of *Republic vs Souffe*, decided in 2018 in which the Convict pleaded guilty and was fined to pay a sum of SR10,000 under Count 1, and SR2,000 under Count 2, to be paid within a period of 6 months.

[10] I have considered the submissions made by learned counsel for the defence in Mitigation. I take into consideration the personal circumstances of the convicted person, the fact that she has two children, one of which is of tender years.

[11] The Convict further has no previous convictions and she has pleaded guilty at the outset of the proceedings and has shown regret and save the precious time of this Court and the prosecution.

[12] No aggravated factors have been brought to the attention of the Court by the Republic in this matter. I take it as such that it is a non-aggravated offence under the provisions of the Misuse Of Drug Act 2016.

[13] I also bear in mind the sentences passed in similar circumstances before this Court. I, therefore, proceed to sentence the Convict as follows:

[14] The Convict is sentenced to a term of one year imprisonment which is suspended for two years. I further order that the Convict pay a fine of SCR10,000. Any default in payment of this fine will make the convict liable to serve a term of 6 months imprisonment. The fine has to be paid within a period of one month from today.

[15] The Convict has one month to appeal against this sentence to the Court of Appeal.

Signed, dated and delivered at Ile du Port 18 July 2019.

Govinden J