

SUPREME COURT OF SEYCHELLES

Reportable
[2020] SCSC 388
CO 77/2019

In the matter between:

THE REPUBLIC
(rep. by Evelyn Almeida)

Republic

and

NEDDY CADEAU
(rep. by John Renaud)

Accused

Neutral Citation: *Republic v Cadeau CO77/2019 SCSC 06 July 2020*

Before: Burhan J

Summary: **Convict sentenced to 6 months imprisonment suspended for two years and a fine of SCR 10,000/=. In default of payment of fine 6 months imprisonment.**

Heard: 22 June 2020

Delivered: 06 July 2020.

SENTENCE

BURHAN J

- [1] The convict Neddy Cadeau has been charged for the offence of Cultivation of a controlled drug namely 8 Cannabis plants.
- [2] The convict pleaded guilty to the said Count at the very first opportunity provided to him. In mitigation learned Counsel Mr. Renaud stated that the convict is a 29 year old youth who lives with his mother aged 69 years. He is admittedly a drug user who earlier used hard drugs but has now in his effort to reform, stopped hard drugs and admits he is a user of Cannabis. Learned Counsel also brought to the attention of Court the quantity of

controlled drug (8 Cannabis plants) found in his possession was small and the plants were for his own personal consumption and not for use as a dealer for the purpose of trafficking.

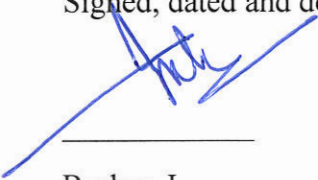
[3] Learned Counsel further informed Court that the convict was living with his mother and moved court that he be treated leniently and not sent to prison as this would have an adverse effect on the mother of the convict as well.

[4] I have considered the plea in mitigation which was unchallenged by the prosecution. The convict is a first offender aged 29 years. He has expressed remorse and regret by pleading guilty at the very first opportunity and by doing so also saved the time of Court. I am inclined to accept the submission of learned Counsel for the convict that the quantity of controlled drug is small and for personal use only. Further the controlled drug is a Class B drug. I have also considered the fact that the convict has an aged mother who he is living with and taking care of and also that under the new Misuse of Drugs Act 2016, no minimum mandatory term of imprisonment exists for the offence for which the convict has pleaded guilty. The offence is not an excepted offence as set out in section 287 of the Criminal Procedure Code CAP 54 (CPC) and a suspended term of imprisonment could therefore be imposed under section 282 of the CPC.

[5] Having thus considered all the aforementioned factors in mitigation and the relevant law, in the absence of any aggravating circumstances, I proceed to sentence the convict to a term of 6 months imprisonment which I would suspend for a period of two years and a fine of SCR 10,000/=. In default of payment of fine, the convict to serve a term of 6 months imprisonment.

[6] The convict is to pay the fine in monthly instalment of SCR 2500/-, commencing 3rd August 2020.

Signed, dated and delivered at Ile du Port on 06 July 2020



Burhan J