

SUPREME COURT OF SEYCHELLES

Reportable

[2020] SCSC 446

CO92/2019

In the matter between:

THE REPUBLIC

Republic

(rep. by Cythra Morel)

and

AKIM CESAR

Accused

(rep. by Clifford Andre)

Before:	Burhan J
Heard:	10 July 2020
Delivered:	20 July 2020

SENTENCE

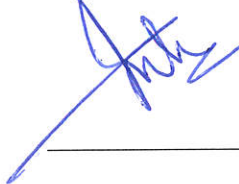
BURHAN J

- [1] The convict Akim Cesar has been charged with the offence of Trafficking in a controlled drug namely 68.2 grams of Cannabis herbal material.

- [2] The convict pleaded guilty to the said charge without proceeding to trial. In mitigation learned Counsel Mr. Clifford Andre stated, the convict had pleaded guilty without wasting the time of Court and moved that the convict be given a non- custodial sentence and that a reasonable fine be imposed on him, giving due consideration to the facts set out in the probation report.
- [3] I have considered the facts set out in the probation report. The convict is 22 years of age. The convict is admittedly a drug user and admits he is a user of Cannabis and Heroin. It appears from the report that he was expelled from school after an altercation with the Head of the School. He had been compelled to do casual jobs thereafter. He had begun to indulge in drugs since the age of 11. It appears from the report that his parents had separated and the influence of his step-father had resulted in his involvement with controlled drugs.
- [4] I have considered the plea in mitigation and the facts contained in the probation report. The convict is a first offender aged 22 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 had a troubled childhood and also the fact his mother states, he was the most intelligent amongst the siblings but did not go back to school due to lack of motivation. 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 therefore a suspended term of imprisonment could 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 1st September 2020.

Signed, dated and delivered at Ile du Port on 20 July 2020.


_____ 20/7/2020

M Burhan J