

IN THE JUVENILE COURT OF SEYCHELLES

Reportable/ Not Reportable / Redact
[2020] SCSC 739
CO J 2/20

In the matter between

THE REPUBLIC
(rep. by Ms. Leste)

PROSECUTION

and

[REDACTED]
(rep. by Mr. Rene Durup)

ACCUSED

Neutral Citation: *Rep v [REDACTED] (J 2/20) [2020] SCSC 739. (8th October 2020)*
Before: Pillay J, Mrs. Decommarmond and Mr. Valmont
Summary: Sentence – stealing - probation
Heard: 10th September 2020
Delivered: 8th September 2020

ORDER

We find that it is appropriate in this case to place the Defendant on probation. We accordingly place him under Probation Supervision for a period of 3 years.

In accordance with section 5 (2) (c) of the Probation of Offenders Act he shall be obliged to comply with the following conditions during this period of Probation:

- (i) Having regard to the circumstances of this case he shall refrain from repeating similar offences;
- (ii) He shall attend counselling sessions as and when required by the Probation Officer;
- (iii) The Defendant shall obtain and maintain employment during the period.
- (iv) The Defendant shall perform 100 hours community service.

- (iv) Should he break these conditions within the prescribed period then he shall be brought before this court for any sentence authorized by law in accordance with section 7 (4) of the Probation of Offenders Act.
- (vi) The Director of Probation Services shall be informed of this order and shall carry out the supervision as stated above. The Defendant is directed to report to the Director of Probation Services for initial action as from the next working day after the date of this order.
- (vii) The Director of Probation Services shall further provide a report on the progress of the Defendant to the Court every six month, the first report in March 2021.

SENTENCE

PILLAY J, MS DECOMMARMOND AND MR. VALMONT

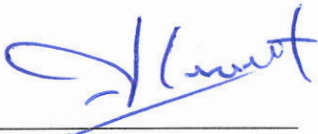
- [1] The Defendant has been convicted for the offence of stealing in that “on 8th January 2020 at Anse Royale (Anse Balaine) inside the shop namely [REDACTED] Mahe stole a white envelope which inside contained Rs5000 cash being the property of [REDACTED]
- [2] He pleaded guilty and accepted the facts without wasting the time of the Court.
- [3] Note is taken of the probation report produced in case J36/19 dated 28th July 2020 as well as the plea in mitigation put forward in his favour. It is noted that he has a previous conviction from 2017 for the offence of criminal trespass.
- [4] The circumstances of this offence show that is one where the principle of personal deterrence must be applied.
- [5] Having considered all the circumstances of this case we find that there are no aggravating factors that would justify a sentence of immediate imprisonment.

[6] We find that it is appropriate in this case to place the Defendant on probation. We accordingly place him under Probation Supervision for a period of 3 years.

[7] In accordance with section 5 (2) (c) of the Probation of Offenders Act he shall be obliged to comply with the following conditions during this period of Probation:

- (i) Having regard to the circumstances of this case he shall refrain from repeating similar offences;
- (ii) He shall attend counselling sessions as and when required by the Probation Officer;
- (iii) The Defendant shall obtain and maintain employment during the period.
- (iv) The Defendant shall perform 100 hours community service.
- (iv) Should he break these conditions within the prescribed period then he shall be brought before this court for any sentence authorized by law in accordance with section 7 (4) of the Probation of Offenders Act.
- (vi) The Director of Probation Services shall be informed of this order and shall carry out the supervision as stated above. The Defendant is directed to report to the Director of Probation Services for initial action as from the next working day after the date of this order.
- (vii) The Director of Probation Services shall further provide a report on the progress of the Defendant to the Court every six month, the first report in March 2021.

Signed, dated and delivered at Ile du Port on 24 October 2021.


MR. ANDRE VALMONT


JUDGE LAURA PILLAY


MRS. COLETTE DE COMMARMOND