

SUPREME COURT OF SEYCHELLES

Reportable
[2020] SCSC 695
CO 09/2020

In the matter between:

THE REPUBLIC
(rep. by Hemanth Kumar)

Republic

and

FRANCOIS PAUL WAYE-HIVE
(rep. by Alexia Amesbury)

Accused

Neutral Citation: *Republic vs Waye-Hive* (CO 09/2020) [2020] SCSC 695 25 September 2020
Before: Burhan J
Summary: Possession with intent to trafficking in a controlled drug namely Cannabis weighing 70.91 grams.
Heard: 1 September 2020
Delivered: 25 September 2020

ORDER

Count 1 --- A term of 6 months imprisonment which I suspended for a period of two years and a fine of SCR 5000/ (five thousand). In default of payment of fine a term of six months imprisonment.

SENTENCE

BURHAN J

[1] The convict Francois Waye-Hive has been charged with the following offence:

Count 1

Possession with intent to Trafficking in a controlled drug namely Cannabis materials contrary to Section 9 (1) of the Misuse of Drugs Act, 2016 and punishable under Section 7 (1) of the Misuse of Drugs Act, 2016. The quantity of controlled drug involved is 70.91 grams of Cannabis.

- [2] The convict pleaded guilty to the said charges without proceeding to trial. In mitigation learned Counsel Mrs Amesbury submitted that the convict had pleaded guilty without wasting the time of Court and moved that the convict be given a non- custodial sentence.
- [3] I have considered the plea in mitigation. He has expressed remorse and regret by pleading guilty at the very first opportunity and by doing so also saved the time of Court. The recommended sentence for such an offence is a fine/ suspended sentence or a term of imprisonment up to 1 year. The convict has pleaded guilty expressing remorse and regret at the incident and expecting leniency. He is a first offender and I am therefore of the view a custodial term should not be imposed on him.
- [4] Having thus considered all the aforementioned factors in mitigation, I proceed to sentence the convict as follows:
- [5] Count 1 - A term of 6 months imprisonment which I suspended for a period of two years and a fine of SCR 5000/ (five thousand).In default of payment of fine a term of six months imprisonment.
- [6] Nature of suspended sentence explained to the convict.

Signed, dated and delivered at Ile du Port on 25 September 2020


Burhan J