

SUPREME COURT OF SEYCHELLES

Reportable
[2020] SCSC 751
CO31/2020

In the matter between:

THE REPUBLIC
(rep. by Joshua Revera)

Republic

and

KHULOOD MEFTAH
(rep. by Nichol Gabriel)

Accused

Before:	Burhan J
Heard:	18 th September 2020
Delivered:	12 October 2020

SENTENCE

BURHAN J

[1] The convict Khulood Mefta pleaded guilty to the following charge:

Count 1

Possession of a Controlled Drug with intent to Traffic Contrary to Section 9 (1) read with Section 19(1) of the Misuse of Drugs Act 2016 and Punishable under Section 7 (1) specified in the Second Schedule of the Said Act.

Particular of offence are that, Khulood Meftah, Mahe, on the 18th February 2019, at Anse Aux Pins, Mahe, was found in possession of a controlled drug namely Hashish (Cannabis Resin) with a total net weight of 80.04 grams which gives rise to a rebuttable

presumption of having been in possession of the said 80.04 grams of Hashish (Cannabis Resin) for the purpose of possession with intent to traffic.

- [2] At the request of learned Counsel for the convict Mr. Gabriel, a probation report was called and thereafter learned Counsel made a plea in mitigation on behalf of the convict. I have considered the facts contained in the probation report and the plea in mitigation.
- [3] According to the report, the convict is 36 years old. The convict has expressed regret and showed remorse for her act by pleading guilty to the charge. She is expecting leniency from the court and moves court for a fine. The convict has two children aged 3 years and eight months. It appears from the report, she had been educated and employed in Italy in her younger days and studied languages and tourism and thereafter worked in hotels. She had thereafter moved back to Seychelles. She had worked at different tourist resorts in the Seychelles and thereafter as a casual worker, shop attendant and carer.
- [4] Learned Counsel Mr. Gabriel submitted the convict is a first offender and has pleaded guilty and saved the precious time of court by doing so. He submitted that she had shown remorse and not wasted the time of court. He further submitted that the quantity of controlled drug involved was not of commercial quantity or aggravating circumstances in this instant case.
- [5] Having considered the aforementioned facts, I am of the view that the convict has expressed remorse and regret at what she has done and saved the time of Court. The quantity of controlled drug taken into custody does not aggravate the offence as it is well below 1500 grams and a Class B drug. The recommended sentence for such an offence is a fine/ suspended sentence or a term of imprisonment not exceeding two years.
- [6] As the convict is a first offender, I proceed to sentence her to a term of 6 months imprisonment which I suspend for a period of two years and a fine of SCR 5000/-. In default of payment of fine, a term of 6 months imprisonment to be imposed.
- [7] Nature of suspended term explained to the convict in open court.

[8] Convict to pay fine by the 30th of November 2020 at 9.00 a.m.

Signed, dated and delivered at Ile du Port on 09 October 2020



M Burhan J