

IN THE SUPREME COURT OF SEYCHELLES

Reportable

[2020] SCSC ...775
FH 13/2020

REPUBLIC

(rep. by Joji John)

Applicant

and

YANICK TANGALAM

(rep. by N. Gabriel)

1st Respondent

FABIO WILLIAM

(rep. by John Renaud)

2nd Respondent

Neutral Citation	<i>Republic v Yannick Tangalam & Anor</i> (FH 13 of 2020)[2020] SCSC ...775
	(19 October 2020)
Before:	Vidot J
Summary	Section 101 application of the Criminal Procedure Code
Heard:	19 October 2020
Delivered:	19 October 2020

ORDER

VIDOT J

- [1] This is an application pursuant to section 101 of the Criminal Procedure Code ("CPC") for the detention of the Respondents for a period of 11 days pending completion of investigation in this case. The Respondents are suspected of having committed the offence of arson that happened on the 13th October 2020 at the JHL Group PTY factory. That factory is said to belong to one James Lesperance.
- [2] During the course of investigation, CCTV footage was obtained from the scene of the incident. That is now in Police custody. On the said video footage, a red Honda Brio was

observed at the scene at around 2.26 hours. At 2.30 hours the same car returned to the scene and 2 male individuals were seen alighting from the vehicle and proceeding to the JHL building each carrying a jerry can. Inflammable substance was poured on the ground and 2.40 hours fire was set to the building. Firefighters were called and came to the scene and managed to contain the fire. The building sustained considerable damage.

- [3] The Police is said to have received credible information from the owner of Executive Car Hire that the a red Honda Brio registration number S12325 was rented to the 2nd Respondent who resides at Ma Constance. That led to the arrest of the Respondents. It is averred that the company which is sole importer of Honda Brio in Seychelles, confirms that there are only 3 red Honda Brios in the country and these vehicles are owned by Executive Car Hire.
- [4] The Police have started their investigation and have been able to accomplish the following;
- i. The Respondents were arrested and interviewed;
 - ii. Seizure of some exhibits; these included clothes, slippers, mobile phones, jerry can and Honda Brio similar to the one found at the scene;
 - iii. Execution of search warrants at the premises of first Respondent's place;
 - iv. Carrying out of digital examination on the Respondents mobile phones; and
 - v. Other video footages from the vicinity has been extracted.
- [5] The Police avers that they are requesting the further detention of the Respondents because as part of continuing investigation they need to do the following;
- i. Interview of other potential witnesses;
 - ii. Extraction of other CCTV footage from the vicinity of the alleged crime scene;

- iii. More digital examinations need to be carried out;
- iv. Search warrants to be executed at the residence of the second Respondent;
- v. Execution of phone warrants to be executed at the telecommunication service providers;
- vi. Identification of suspects on footages;
- vii. Processing of vehicle for finger print analysis;
- viii. Arrest of other suspects involved;
- ix. Awaiting of results of analysis from the SSCRB; and
- x. Awaiting investigation from fire and rescue service.

[6] Section 101 of the CPC provides;

“(1) subject to section 100, a police officer or other person who is holding a person without a warrant (in this section referred to as the “suspect”) may, where the police officer or other person has reasonable ground for believing that the holding of the suspect beyond the period specified in section 100 is necessary-

(a) Produce the suspect before court; and

(b) Apply in writing for the further holding of the suspect.

(2) An application under subsection (1) shall state

(a) the nature of the offence for which the suspect has been arrested and detained;

(b) the general nature of the evidence on which the suspect was arrested and detained;

(c) what inquiries relating to the offence have been made by the police and what further inquiries are proposed by the police;


(d) the reasons for believing the continued by holding the suspect to be necessary for the purpose of any further inquiries.

(3).....

.....”

- [7] Under that section the Applicant need only show that there are reasonable grounds to believe that the continued detention of the suspect is necessary to allow the police to carry on with investigation. The Applicant has complied with that section where provisions of that section are applicable to this case. However, I find only grounds i. and iv of paragraph 5 above are relevant to the application; that is that they need to interview witnesses, so these witnesses cannot be interfered with, and that search warrants be executed to allow the second Respondent premises need to be searched.
- [8] Apart from that everything else mentioned as grounds for the application to further detain the Respondents are not valid because these are matter the police can do without necessity to hold the Respondents in custody.
- [9] Therefore in the circumstance, I allow the application and order the further detention of the Respondents for 5 days including today, that is until Friday 23rd October 2020 whereby they shall be released unless there is applications made to this court to detain the Respondents further.

Signed, dated and delivered at Ile du Port on 19 October 2020


M Vidot J