

SUPREME COURT OF SEYCHELLES

Reportable

[2021] SCSC 642

CO 05/2016

In the matter between

THE REPUBLIC

(Rep by Ms. Neesha Monthy)

Prosecution

versus

NEDDY LABICHE

(rep. by Daniel Cesar)

Accused

Neutral Citation: *R v Labiche* (CO 05/2016) [2021] SCSC 642 (11 October 2021).

Before: **G. Dodin, Judge**

Heard: 11 October 2021

Delivered: 11 October 2021

SENTENCE

G. DODIN, JUDGE

- [1] The Convict Neddy Labiche was convicted after a lengthy trial to one count of committing an act intended to cause grievous harm contrary to Section 219 (a) of the Penal Code. The brief facts of the case are that on the 30th January 2016 at Belvedere, Mahe, the Convict wounded David Labiche with a knife to the face and neck causing him injuries warranting extensive medical including surgical interventions.
- [2] The victim spent from the 30th January to the 25th February 2016 in hospital.
- [3] According to Dr. Dedieu the injury was serious and the scars are permanent despite several maxillofacial surgical intervention.

- [4] Section 219 (a) of the Penal Code provides that “any person who with intent to maim, disfigure, or disable any person, or to do some grievous harm to any person -
- (a) unlawfully wounds or does any grievous harm to any person by any means whatsoever ... - is guilty of a felony and is liable to imprisonment for life”.
- [5] Learned Counsel for the Convict moved the Court to impose a lenient sentence on the Convict who is the father of a 7 year old child and has already spent 4 months in prison on remand.
- [6] The Probation Services was requested to investigate the personal circumstances of the Convict and submit a report with recommendations on sentence.
- [7] It appears that the Probation officer was led to believe that the Accused was convicted on his own guilty plea. She recommended a minimum custodial sentence.
- [8] I have considered the mitigating factors as put forth in the report and also advanced by learned Counsel for the Convict.
- [9] I find the offence committed to be of a serious nature, even life threatening with the use of an offensive weapon, a knife which has left permanent scars on the victim’s face and neck. The Convict has indeed expressed remorse but only after conviction.
- [10] Considering all the above, I find that a custodial sentence is necessary in the circumstances.
- [11] I therefore sentence the Convict to a term of 5 years imprisonment out of which 2 years shall be suspended. I further impose on the Convict a fine of SCR 60, 000 – out of which the sum of SCR 50, 000 shall be paid to the victim.
- [12] The fine shall become payable six months after the release of the Convict from Prison and he shall have a period of one year to complete payment.
- [13] Any period spent on remand shall form part of the sentence.
- [14] Appeal against both conviction and sentence within 30 days of today.

Signed, dated and delivered at Ile du Port on 11th October 2021

Dodin J