

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 882
CO 53/2021

In the matter between:

THE REPUBLIC
(rep. by Corrine Rose)

Republic

and

FARIL BIBI
(rep. by Manuella Parmantier)

Accused

Neutral Citation: *Republic v Bibi* (CO 53/2021) [2021] SCSC 882 (13 December 2021).

Before: Burhan J

Summary: Robbery – Threatening violence

Heard: 3rd December 2021

Delivered: 13 December 2021

ORDER

Count 1 – A term of two years six months imprisonment and a fine of SCR 2,500 (two thousand five hundred). In terms of Section 151 (1) (b) of the Criminal Procedure Code a sum of SCR two thousand to be given from the fine to the victim mentioned in the particulars of offence Neddy Dick in respect of Count 1. In default of payment of the fine six months imprisonment.

Count 2- A term of six months imprisonment.

Both terms of imprisonment to run concurrently. The six month term of imprisonment for default of payment of fine in Count 1, should run consecutive to the other terms of imprisonment imposed.

Time spent in remand to count towards sentence.

SENTENCE

BURHAN J

[1] The accused in this case has been charged with the following offences;

Count 1

Robbery with Violence Contrary to Section 280 and punishable under Section 281 of the Penal Code Cap 158

Faril Bibi of Mont Signal, Mahe, on the 16th April 2021, at Mont Signal, Mahe, robbed on Neddy Dick of Mont Buxton and stole SCR 1,200/- cash from his pants pocket, a pair of shoes from his feet valued at SCR 875/-, a hat from his head valued at SCR 185/- and that at the time of committing the robbery, used violence by pressing said Neddy Dick on the ground and threatened to use actual violence against the said Neddy Dick by pointing a knife in the face.

Count 2

Threatening Violence contrary to Section 89 (a) and punishable under Section 89 of the Penal Code Cap 158.

Faril Bibi of Mont Signal, Mahe, on the 16th April 2021, at Mont Signal, Mahe, threatened one Bernard David Sinon of Mont Buxton, Mahe with injury, damage, and harm to the said Bernard Sinon by pointing a knife and saying “Si ou koste mwan, mon pou bour sa koute ek ou” (if you approach me, I will insert the knife into you)

[2] At the request of his learned Counsel Ms Manuella Parmantier a probation report was called prior to sentencing the accused. According to the probation report, the accused is 32 years of age and lives with his concubine at Mont Signal and has an eight year old

son. He has educated himself up to Secondary two and thereafter dropped out of school. The accused has worked as a farmer, casual labourer and security officer and at present was working for the past eight years as a casual labourer at Hunt and Deltel Company Ltd. The accused version is that he was only taking the money which was owed to him back by force from the victim and when the other individual had tried to intervene, he had told him not to interfere. Both victims deny the version of the accused. However, the victim who was robbed states this was not the first time the accused had robbed him, indicating he knew the accused even before the incident. It appears the accused is drug dependent and has even tested positive for Heroin on the 16th of November 2021.

[3] In mitigation learned Counsel for the accused based her plea in mitigation on the facts related to the probation officer by the accused. It is clear that the accused has pleaded guilty at the first opportunity provided to him, thereby saving the time of court and expressing remorse and regret at what he has done.

[4] The offence is of a serious nature. Even though the value of the items stolen may not be very high, the accused had used a knife to threaten the victim and even the person who attempted to intervene on the victim's behalf. I find this an aggravating circumstance. The fact that he is a drug addict cannot be used as an excuse for him to do such acts, especially when armed with a knife. I am therefore of the view that a custodial term of imprisonment must be imposed on the accused. Considering all the circumstances before me, I proceed to sentence the accused as follows:

Count 1 – A term of two years six months imprisonment and a fine of SCR 2,500 (two thousand five hundred). In terms of Section 151 (1) (b) of the Criminal Procedure Code a sum of SCR two thousand to be given from the fine to the victim mentioned in the particulars of offence Neddy Dick in respect of Count 1. In default of payment of the fine six months imprisonment.

Count 2- A term of six months imprisonment.

[5] Both terms of imprisonment to run concurrently. The six month term of imprisonment for default of payment of fine in Count 1, should run consecutive to the other terms of imprisonment imposed.

[6] Time spent in remand to count towards sentence.

[7] Right of appeal explained.

Signed, dated and delivered at Ile du Port on 13 December 2021

M Burhan J