

- [1] The convicts (1) Richard Rasolondraide, (2) Andrew Ernesta, (3) Thierry Jao, (4) Sohail Abbas and (5) Fety Razah stand convicted of the following counts having pleaded guilty to the same:

Count 1 – Assembling together for the purpose of carrying goods subject to customs duty and liable to forfeiture under law relating to customs, contrary to and punishable under Section 90 read with Section 22 (a) of the Penal Code.

Richard RASOLONDRAlBE Madagascar national Skipper, Andrew ERNESTA Seychellois national Skipper, Thierry JAO Madagascar national, Antony BOUE French national, Sohail ABBAS Madagascar national and Fety RAZAH Madagascar national, on the 19th day of October 2021, assembled together onboard Mitsio II Catamaran arrived from Madagascar, for the purpose of carrying 22 gold bars subject to customs duty and liable to forfeiture under Customs Management Act.

Count 3 – Unlawful possession of property reasonably suspected of having been stolen or unlawfully obtained, contrary to and punishable under Section 310 of the Penal Code read with Section 22 (a) of the Penal Code.

Richard RASOLONDRAlBE Madagascar national Skipper, Andrew ERNESTA Seychellois national Skipper, Thierry JAO Madagascar national, Antony BOUE French national, Sohail ABBAS Madagascar national and Fety RAZAH Madagascar national, on the 19th day of October 2021. Onboard Mitsio II Catamaran arrived from Madagascar, were in unlawful possession of 22 gold bars, belonging to one Antony BOUE a French national, reasonably suspected of having been feloniously obtained/exported from Madagascar.

- [2] Learned Counsel for the convicts submitted in mitigation that the offences which the convicts have been convicted of are misdemeanors. All of the convicts are first offenders.
- The 1st convict is a 56 year old Malagasy national, married, and has 5 children. His profession is skipper.

- The 2nd convict is a 41 year old Seychellois national, engaged to be married and the father of one child. He is also a skipper by profession.
- The 3rd convict is a 43 year old Malagasy national, married with 4 children. He is a hotelier by profession.
- The 4th convict is a 48 year old Malagasy national, a businessman, married with 3 children.
- The 5th convict is a 38 year old Malagasy national, married with 4 children.

[3] Learned counsel submitted in mitigation that the convicts have pleaded guilty at the first opportunity and saved the Court's time and expenses of a trial. They have shown remorse and they wish to return to Madagascar to be with their families (except the 2nd convict who is a Seychellois national).

[4] I have considered the mitigating factors advanced by learned counsel and I note that the charges with which the convicts have been convicted are misdemeanors. I also note that the more serious charges are levelled against another accused who has not pleaded today and involves the discovery of 22 gold bars.

I therefore impose the following sentences on the convicts.

Count 1 – 3 months imprisonment suspended for 1 year and a fine of SCR 1, 500 each.

Count 3 – 3 months imprisonment suspended for 1 year and a fine of SCR 2, 000 each.

- The suspended sentences of imprisonment shall run concurrently.
- The total fines of SCR 3, 500 each must be paid before convicts 1, 3, 4 and 5 leave the jurisdiction.

Appeal within 30 working days.

Further Order

No forfeiture is made in respect of the catamaran Mitsio II as there is no evidence that any of the convicts are its owner. The catamaran is released to the 1st convict who is the skipper who may remove the vessel outside the jurisdiction subject to having settled any dues may be required.

Signed, dated and delivered at Ile du Port on 16 December 2021

Dodin J.