

SUPREME COURT OF SEYCHELLES HELD AT ILE DU PORT

Reportable

[2021] SCSC 87

CO 88/2020

In the matter between:

THE REPUBLIC

(rep. by Ananth Subramanian)

Republic

and

NADDY BIBI

(rep. by Daniel Cesar)

Accused

Neutral Citation: *R v Bibi* (CO 88/2020) [2021] SCSC 87 (25 March 2021).

Before: Vidot J

Summary: Causing death by dangerous driving; S25 Road Transport Act (RTA),
Causing death by negligent driving; S24 (1)(b) and 24(2) and driving motor
vehicle without a license; S12(1) and 24(2) RTA and Regulation 80(f) of
Road Transport Regulations

Heard: 25 March 2021

Delivered: 25 March 2021

ORDER

SENTENCE

VIDOT J

[1] The Accused is charged with three counts. Count 2 was in alternative to Count 1. He pleaded guilty and was convicted of Count 2 and 3. The charges are as follows;

Count 1

Statement of Offence

Causing death by dangerous driving contrary to and punishable under Section 25 of the Road Transport Act (CAP 206)

Particulars of Offence

Naddy Jean Elvis Bibi of Port Glaud, Mahe, on the 09th December 2016 at La Retraite, Mahe. Caused the death of another person namely Abhimanyu Sharma, an Indian National by driving a motor vehicle having registration number S16766 on the public road recklessly or at a speed in a manner dangerous to the public having regards to all the circumstances of the case.

Count 2

(Alternate to Count 1)

Statement of Offence

Causing death by negligent driving contrary to Section 24(1)(b) of the Road Transport Act and punishable under Section 24 (2) of the said Act.

Particulars of Offence

Naddy Jean Elvis Bibi of Port Glaud, Mahe, on the 09th December 2016 at La Retraite, Mahe. Caused the death of another person namely Abhimanyu Sharma, an Indian National by driving a motor vehicle having registration number S16766 on the public road recklessly or negligently in a manner dangerous to the public having regards to all the circumstances of the case.

Count 3

Statement of Offence

Driving a motor vehicle without a valid licence contrary to Section 12(1) of the Road transport Act as read with Regulation 80(f) of the Road Transport Regulation and punishable under Section 24(2) of the Road Transport Act

Particulars of Offence

Naddy Jean Elvis Bibi of Port Glaud, Mahe, on the 09th December 2016 at La Retraite, Mahe drove a motor vehicle (pick –up truck) having registration number S16766 on the road without a valid driving licence.

- [2] After Counsel for the Prosecution had related the facts of the case which were admitted by the Accused, his Counsel proceeded to make a submission in mitigation. Counsel submitted that the Accused is relatively young, 42 years old, and a first time offender. He has pleaded guilty at the first opportunity, thereby saving the court precious time and thereby showing remorse for the offences committed. He has 2 children and contributes towards the household where he resides. He currently working and ears SR600.00 per and normally he works 6 days per week. I shall of course when meting out sentence all matters raised in mitigation.
- [3] Indeed the Accused pleaded guilty at an early opportunity. Therefore, the law requires that the accused should earn credit for that. In fact **Blackstone’s Criminal Practice (2012), paragraph E.12 p2148**, argues that a guilty plea would in effect earn an accused a reduction in sentence as it saves time of the court and reduces considerable cost and in case of an early plea, also saves inconvenience of victims and witnesses to give evidence before court, and furthermore that a *“reduction should be a proportion to the total sentence imposed calculated by reference to the circumstances in which the guilty plea was indicated, in particular at what stage in the proceedings”* In this case, the guilty plea came very early in the proceedings.
- [4] In mitigation Counsel for the Accused referred to cases whereby the accused in those cases were charged with the offence of causing death by negligent driving contrary to Section 24(1)(b) and punishable to Section 24(2) of the Road Transport Act. These are; **R v Terrence Stravens CR 28/2013** delivered in 2018, whereby a sentence of 1 year

suspended for 2 years, a fine of SR8000.00 and suspension of driving licence for 2 years. In **R v Stephany Edmond CR 66 of 2013** delivered in 2018, a sentence of 18 months imprisonment suspended for 3 years, a fine of SR10,000.00 and suspension of driving licence were imposed. In **R v Ravigna CR 59 / 2018**, delivered in 2019, a sentence of 1 year imprisonment and driving license was suspended for 2 years was imposed. All these cases proceeded to full trial, unlike the present case.

[5] Therefore I proceed to convict the Accused as follows;

- (i) On Count 2 to one (1) year and six (6) months imprisonment suspended for 2 years and to a fine of SR9,000.00 and in default the Accused shall serve 6 months imprisonment and suspension of the Accused driving licence for a period of 2 years.
- (ii) On Count 3, to a term of 1 year imprisonment suspended for 2 years and a fine of SR 3,000.00 and in default to a term of 3 months imprisonment and suspension of the Accused's driving licence for 3 years.
- (iii) For avoidance of doubt, the Accused driving licence shall be suspended for a total period of 3 years only.

[6] The Accused may if unsatisfied with this sentence appeal against the same within 30 working days of this sentence.

Signed, dated and delivered at Ile du Port on 25 March 2021

Vidot J