

IN THE SUPREME COURT

Reportable

[2021] SCSC ...
CO 56/2020

In the matter between

THE REPUBLIC

(rep. by Lansinglu Rongmei)

PROSECUTION

And

STEVEN LUCAS

Rep. by John Renaud)

7TH ACCUSED

Neutral Citation: *Republic vs. SJ & Ors* (CO 56/2020) [2021] SCSC (17 June 2021)

Before: Dodin J

Heard: 17 June 2021

Delivered: 17 June 2021

SENTENCE

[1] The Convict, Steven Lucas, has been convicted on his own guilty pleas to 2 counts as reproduced hereunder. The names of the complainants/victims are not disclosed in this sentencing order to protect their identities and dignity. Any mention of any co-accused in this sentencing order is incidental and is not evidence against that co-accused. The charges to which the Convict has pleaded guilty and has been convicted are:

Count 48

Statement of offence

Taking indecent photographs or pictures of a child without reasonable excuse contrary to section 152 (1) (a) of the penal code and punishable under section 152 (1) of the penal code.

Particulars of offence

Steven Lucas on date during the year of 2020 at Belombre, Mahe took indecent photographs or pictures of a child namely nude photographs or pictures of TB without reasonable excuse.

Count 50

Statement of offence

Carrying on or taking part in a business concerned with making, producing indecent materials and hiring a person for that purpose contrary to section 152 (1) (c) of the penal code.

Particulars of offence

Steven Lucas on a date during the year 2020 at Carana Beach, Mahe was carrying or taking part in a business concerned with the making, producing indecent materials and hiring a person for that purpose namely CP posing as a nude model.

[2] I have given careful consideration to the sentences given in respect of the others who are charged with similar offences. I will impose similar sentences on the convict. I have heard Counsel in mitigation. The Convict is a first offender. He is 23 years old. He has a Fiancée, dependent on him, and a new born child. He is a trained photographer. He was simply taking photographs but not part of the organized scheme as organized by the 1st Convict. He regrets having done the acts and Counsel stated that he was not motivated by money but just for developing his skills. He moves the Court for leniency and suspended sentence and to allow the Convict to rehabilitate and move on with his life. He is now in another employment and moved away from taking of photographs.

[3] I impose the following sentences on the convict:

Count 48 – taking indecent photographs and pictures of a child age 17 years at the time, above the age of 16 years. One year imprisonment suspended for 2 years plus a fine of SCR 3000.

Count 50 – taking part in a business concern by making and producing indecent materials. One year imprisonment suspended for 2 years plus a fine of SCR 3000.

[4] The convict shall not commit any similar offence during a period of 2 years. The total fine is SCR 6000. The convict is given 6 months to pay the fines and he can pay by instalments. In default he shall serve 6 months imprisonment for each count.

[5] The convict may appeal against the sentences within 30 working days.

Signed, dated and delivered at Ile du Port on 17 June 2021.

Dodin J