

IN THE SUPREME COURT OF SEYCHELLES

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**Reportable**  
[2021] SCSC ..446  
CR62 /2018

**REPUBLIC**  
(rep. by *Hermanth Kumar*)

**Prosecution**

and

**JUSTIN LEON**  
(rep. by *Clifford Andre*)

**Accused**

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**Neutral Citation:** *Republic v Justin Leon & Anor* (CS 62/2018) [2021] SCSC 446 delivered on 12 July 2021.  
**Before:** Vidot J  
**Summary:** Sentence; Trafficking in persons contrary to S3(1) of the Prohibition of Trafficking in Persons Act, 2014.  
**Heard:** 24-10-19, 25-10-19, 28-10-19, 10-04-20 and 21-09-20  
**Delivered:** 12 July 2021

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**ORDER**

Sentenced to 2 years imprisonment suspended for 3 years and a fine of SR170,000.

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**SENTENCE**

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**VIDOT J**

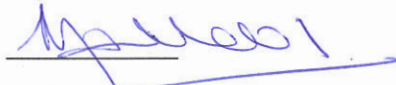
- [1] The Accused has been charged and found guilty of the offence of trafficking in persons contrary to and punishable under section 3(1) of the Prohibition of Trafficking in Persons Act, 2014.
- [2] The Particulars of Offence are that the Accused, Director of J & R Builders, of Pointe Conan, Mahe, during periods between the month of November 2017 to October 2018 at Mahe employed a person namely Mr. Milton Golder of Bangladeshi, National as a mason

into his construction company recruited through HD Jobs Agency of Seychelles. During the time of employment of Mr. Milton Golder in the said company, he has been abused and coerced by his employer namely Justin Leon, the Director of J & R Builders by not paying the agreed salary and food allowances every month, not providing proper accommodation for him to stay and ill-treating the employee for the purpose of exploitation.

- [3] Counsel for the Accused requested for a Probation Report (“the Report”) before sentence is passed. The same was received and a copy given to his Counsel prior to mitigation. The Accused is a first time offender. He is 55 years old. In his submission in mitigation, Mr. Andre Counsel for the Accused endorsed the Report. He pleaded for leniency and implored that the Court imposes a non-custodial sentence on his client. He added that the Accused be granted an opportunity to reform and that he is allowed to carry on his construction business. He further relied on the Accused and the Accused’s partner medical conditions as mitigation for non-custodial sentence. I shall indeed consider the Report and mitigation before passing sentence.
- [4] I further take into consideration that the matter was partially settled before the Employment Tribunal whereby the Accused was made to pay his then worker his full salary and allowance. However, he subjected the worker to emotional abuse that he had to be hospitalised. That is an act which this Court take serious reservations to. Sometimes emotional or psychological abuse can leave more serious scars than physical abuse.
- [5] The Accused medical condition is that he has a hernia. It has not been possible to operate on him because of the Covid-19 pandemic which has overwhelmed the health service. However, he was given an appointment to attend SOPD recently but failed to keep the appointment. For the purpose of sentence I do not consider his medical condition so alarming that will prevent him from serving a prison term. He can undergo any surgery necessary when in prison.
- [6] The medical report of his partner reveals that she was a cancer patient who has multiple medical intervention to arrest the spread of the cancer. She has been to overseas treatment at MIOT in India. Though she is pronounced cured of the cancer, she continues to be followed by surgeon at SOPD and is on hormonal treatment.

- [7] However, I take note that the Accused who is 55 years has never been in trouble with the law. Though, the partner is cured of the cancer, I know that cancer is a disease that devastates one's being and one always needs support in the eventuality that one goes into a relapse one would need all the support from loved ones.
- [8] Therefore, in this instance, I find that a prison term will not be appropriate. I sentence the Accused to 2 years imprisonment suspended for 3 years and to a fine of SR170,000.00. half of that fine shall be paid to the virtual complainant, Mr. Milton Golder as compensation. If the Accused defaults in payment of the fine he shall undergo 6 months imprisonment.

Signed, dated and delivered at Ile du Port on 12 July 2021



Vidot J