

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 435
CO 74/2020

In the matter between:

THE REPUBLIC
(rep. by Aaishah Molle)

Republic

and

DARIUS SEDDY CEDRAS
(rep. by John Renaud)

Accused

Neutral Citation: *R v Cedras* (CO 74/2020) [2021] SCSC 435 (19th July 2021)
Before: Burhan J
Heard: 05th July 2021
Delivered: 19th July 2021

ORDER

I proceed to sentence the accused to a fine of SCR 4000 (Four thousand). In default of payment of fine a term of 3 months imprisonment to be imposed on the accused.

SENTENCE

BURHAN J

[1] The accused Darius Seddy Cedras was convicted in his own plea of guilt for the following offence:

Count 1

Trafficking in a controlled drug, having been found in unlawful possession of a controlled drug with intent to traffic, contrary to Section 9 (1) as read with Section 19 (1) (d) (i) of the Misuse of Drugs Act, 2016 and punishable under Section 7 (1) as read with the Second Schedule of the Misuse of Drugs Act, 2016.

Darius Seddy CEDRAS holding NIN:992-0016-3-1-91 of L'Union Estate La Digue on the 24th March, 2019 at L'Union Estate, was found in unlawful possession of a controlled drug namely Cannabis with a net weight of 41.05grams, giving rise to a rebuttable presumption of having possession of the said controlled drug with intent to traffic.

- [2] The controlled drug detected as borne out in the particulars of offence is Cannabis Herbal with a net weight of 41.05 grams. The detection occurred on the 24th of March 2019.
- [3] Learned Counsel Mr. Renaud in mitigation submitted that the accused had the said control drug in his possession and when the police had entered the house there were other persons also present. Mr. Renaud further submitted that the accused had admitted to the police that he had the controlled drug and he assures court that he will never repeat this offence again. Mr. Renaud further submitted that the accused regrets what he has done and moved court for leniency.
- [4] It would be pertinent at this stage to set out that for possession/trafficking of this quantity of Class B controlled drug weighing below 50 grams, the recommended sentence is a fine.
- [5] I have considered the plea in mitigation. The accused is 29 years of age. I proceed to sentence the accused to a fine of SCR 4000 (four thousand). In default of payment of fine, a term of 3 months imprisonment to be imposed on the accused.
- [6] Time given for accused to pay the fine in monthly instalments of SCR 1000/-.

[7] Right of appeal against sentence explained.

Signed, dated and delivered at Ile du Port on 19th July 2021.

M Burhan J