

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2021] SCSC ...  
CO 83/2020

In the matter between:

**THE REPUBLIC**  
*(rep. by Mrs. Rongmei)*

and

**JIMMY AZEMIA**  
*(rep. by Mr. Bonte)*

**Accused**

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**Neutral Citation:** *Republic v Azemia* (CO 83/2020) [2021] SCSC  
10 September 2021  
**Before:** Dodin J  
**Heard:** 10 September 2021  
**Delivered:** 10 September 2021

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**SENTENCE**

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**DODIN J**

[1] The convict, Jimmy Roy Azemia, stands charged and convicted with one count involving firearms and ammunitions under section 84 (1) of the Penal Code. The convict was convicted on his own guilty plea to that count which states:

*Count 1*

*Statement of Offence*

*Possessing of having under control of, firearm, ammunition, offensive weapon and incendiary material without lawful authority or reasonable excuse, in circumstances which raise a reasonable presumption that such firearm, offensive*

*weapon, ammunition or incendiary material is intended to be used for a purpose prejudicial to public order contrary to and punishable under 84 (1) of the Penal Code (CAP 158)*

*Particulars of offence*

*Jimmy, Roy Azemia, 49 year old unemployed resident of Glacis on 23<sup>rd</sup> October 2020 at his residence at Glacis was in possession or having under control of, knives, machetes, daggers, samurai sword, tear gas, air flares, two handguns and 80 bullets without lawful authority or reasonable excuse, in circumstances which raise a reasonable presumption that such firearms, offensive weapons, ammunition and incendiary material is intended to be used for a purpose prejudicial to public order.*

- [2] As part of the sentencing process, the Court requested a Probation Services Report which has provided much information on the personal and family background of the convict.
- [3] Learned Counsel for the convict has moved the Court to consider the mitigating factors in determining the sentence to be imposed. Learned counsel submitted that the convict is a first time offender. He is 50 years old. He is father of two children one of whom is a minor aged 17 years. His current partner is a cancer patient who is at this actual time undergoing treatment. In addition, learned Counsel moved the Court for leniency and possibly to impose a non-custodial sentence.
- [4] The convict has pleaded guilty and saved the court's time and expenses of a trial. He expressed remorse both to the Court and Society vide the Probation Services Report. I have considered all the mitigating aspects of the case and the fact that

the arms and ammunition in question have been recovered and are in possession of the authorities.

[5] I nevertheless note that it is never desirable or acceptable to have any individual having in his possession dangerous and lethal weapons and ammunitions without lawful authority regardless of whether there was intention to use the same or not. A custodial sentence is necessary in the circumstances even as a short sharp shock.

[6] Section 84 (1) of the Penal Code provides as follows:

*84. (1) Any person who, without lawful authority or reasonable excuse, the proof whereof shall lie upon him, carries or has in his possession or under his control any firearm or other offensive weapon, or any ammunition, incendiary material or explosive in circumstances which raise a reasonable presumption that such firearm, offensive weapon, ammunition, incendiary material or explosive is intended to be used or has recently been used in a manner or for a purpose prejudicial to public order is guilty of a felony and is liable to imprisonment for seven years.*

[7] Having considered all the above aspects of the case and mitigating as well as aggravating factors and considering that the maximum sentence for this offence is 7 years imprisonment, I impose a sentence of two years imprisonment on the convict.

[8] I further order that:

- Time spent on remand shall form part of the sentence.

- He shall be entitled to remission.
- He can appeal against sentence within 30 working days.

Signed, dated and delivered at Ile du Port on 10 September 2021

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Dodin J

Judge of the Supreme Court