

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2022] SCSC  
CO 24/2021

In the matter between:

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

**Republic**

and

**DAVID HELENE**  
*(rep. by Clifford Andre)*

**1<sup>st</sup> Accused**

**BERTRAND LADOUCE**  
*(rep. by Audric Govinden)*

**2<sup>nd</sup> Accused**

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**Neutral Citation:** *R v Helene & Or* (CO 24/2021) [2022] SCSC 347 (08 April 2022).  
**Before:** Burhan J  
**Summary:** Demanding money by threats – Demanding money by menace – Obtaining money by false pretence – Aiding and abetting to commit the offence of extortion  
**Heard:** 21 March 2022  
**Delivered:** 08 April 2022

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**ORDER**

The 1<sup>st</sup> accused David Helene is sentenced to a term of three years imprisonment on Count 1.

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**SENTENCE**

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**BURHAN J**

[1] The 1<sup>st</sup> accused David Helene in this case was charged as follows;

**Count 1**

*Demanding money with menace or force with the intention to steal contrary to and punishable under Section 287 of the Penal Code (Cap 158).*

**Particulars of Offence**

*David Antoine Helene of Brilliant, Mahe during the month of March on or around 12<sup>th</sup> March 2021 made a demand with menace or force with intention to steal a sum of SCR 30,000/- from one Ronny Benoit of Mont Fleuri, Mahe by threatening him telephonically using the Cell Phone no. 2737082.*

- [2] The accused David Helene pleaded guilty to the amended charge and was convicted of the aforementioned offence on the 21<sup>st</sup> of March 2022. A person found guilty of the said offence under section 287 of the Penal Code is liable to imprisonment for a period of 10 years. It is to be noted that the aforementioned 2<sup>nd</sup> accused was charged for aiding and abetting the said offence and pleaded not guilty to the charges against him.
- [3] Learned Counsel for the accused Mr. Andre informed Court that the accused did not want a probation report to be called and proceeded to make a plea in mitigation on behalf of the accused. Learned Counsel submitted that the accused had promptly pleaded guilty to the amended charge and had not wasted the time of court by doing so. He submitted that there was only a demand for money but the accused had not received a single cent nor did the victim suffer any loss. He stated that the menace was not a threat to life or physical in nature. Learned Counsel moved for mercy which was in the hands of Court and that the accused should be given an opportunity of reforming himself. He also moved that the accused be kept on community service order so that he could be a use to society. This would ease the burden on the authorities which would be placed on them if the accused was to be incarcerated in prison. The accused continuing from where learned Counsel stopped, with the consent of Court further mitigated on his behalf. He stated that he had pleaded guilty not only for this case but for all the wrong he has done in his life. He had done so to be forgiven by God. He asked forgiveness from the victim, society and from the government. He thanked the Court and staff and moved Court to read the scriptures contained in Mathew 6 verses 14 and 15. He further stated the difficulties he is suffering is because the Lord loves him.

- [4] It is clear from the above that the accused has expressed remorse and regret by pleading guilty to the said offence. It also appears clear to this Court having read the biblical quotation of the accused that the victim in this case has not forgiven the “trespasses of the accused” as up to date he has not withdrawn his complaint against the accused. I further observe the offence is of a serious nature as it indicates a maximum prison term of ten years imprisonment. The accused also admits his previous conviction for a similar offence i. e obtaining money by threat in case number **R v Helene [2019] SCSC 575 (9<sup>th</sup> July 2019)**. He was sentenced to a term of 18 months imprisonment. In the said case a term of 3 years imprisonment was imposed on Count (ii) suspended for three years and a similar sentence on Count (iii). He has also been ordered to pay and compensate Ricky Dine in a sum of SCR 676,500 and 300 Euros in Count (ii) and one Guilianne Monique Rene a sum of SCR 1,542,500 in Count (iii) within a period of three years.
- [5] I have considered all the aforementioned factors. The accused has a previous conviction in respect of a similar offence for which he was sentenced to 18 months. It appears he has not learnt his lesson but has continued to commit offences which are similar and of serious nature. I will take into consideration his early plea of guilt and his expression of remorse and regret. Considering the serious nature of the charge, I am of the view a custodial term of imprisonment must be imposed as a deterrent to prevent him further re-offending again.
- [6] I proceed to sentence the accused David Helene to a term of three years imprisonment on Count 1. I will not impose a fine as I have been made aware he has a large amount to pay in compensation in the case referred to in paragraph [4] herein. Time spent in remand to count towards sentence.
- [7] Right of Appeal explained.

Signed, dated and delivered at Ile du Port on 08 April 2022

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Burhan J