

IN THE SUPREME COURT OF SEYCHELLES

---

**Reportable**

[2022] SCSC

CO 114/2021

**THE REPUBLIC**

*(Rep. by Mr Anthony Juliette)*

**Versus**

**MUKESH VALABHJI**

*(Represented by Mr France Bonte)*

**LAURA VALABHJI**

*(Self-represented)*

**ANDRE BENOITON**

*(Represented by Mr Hoareau)*

**SARAH RENE**

*(Mr Joel Camille & Mr Cesar)*

**MAURICE LOUSTAU-LALANNE**

*(Represented by Mr Basil Hoareau)*

**LEKHA NAIR**

*(Represented by Mr Basil Hoareau)*

---

**Neutral Citation:** *Republic vs Valabhji & Ors* (CO 114/2021) [2022] SCSC..... (6<sup>th</sup> May 2022).

**Before:** Govinden J

**Heard:** 06 May 2022

**Delivered:** 06 May 2022

---

**ORDER**

---

**R. GOVINDEN CJ**

- [1] In regards to the bail of the accused persons in this case, the Court will accede to the motion of the learned prosecutor and it will release all of the accused persons on the following bail conditions;
- i. That they shall not travel outside the jurisdiction except with an order of this Court.
  - ii. They will surrender their passports and traveling documents that they may have with the registry of this court.
- [2] All other conditions regarding their detention or bail conditions that are contrary to these conditions are accordingly terminated and discharged.
- [3] This order amends and repeal any previous orders of the court regarding to conditions of bail and remand.
- [4] Regarding of issue and jurisdiction, this is what the court feels, it is apparent that there is an issue of jurisdiction in this case. It is not that the ACCS has no jurisdiction, it is that it has limited jurisdiction. The powers of the ACCS is limited both in time and in regards to offences. Some offences are amenable to their jurisdictions, others are not. As a result, this is why there is a Bill presented to the National Assembly by the Government, which is the Anti-Corruption (Amendment Bill 2022) which the Court is informed will be voted by the Assembly shortly.
- [5] It is for this reason that the ACCS has agreed to the enlargement of the accuseds on bail.
- [6] In the interest of justice and public interest I will allow some time for the law to be amended, for the issue of jurisdiction to be clarified, and in the meantime I will accordingly as I have ordered above, release the accuseds on bail in this case.
- [7] I am concerned of the gravity of the charges before the Court, and the public interest that this case has generated and is still generating. This calls for the right of the accused to be at liberty, to be balanced with the greater public interest to ensure that serious offences such as the one before the Court are treated seriously and are given a chance to be prosecuted.

[8] It will be an abhorrence to the principle of justice for these charges to be suddenly dismissed and the accuseds to be given opportunity to flee or do anything whilst at large and hence defeat the due course of justice whilst the issue of law that has arisen is being settled by the Legislature.

Signed, dated and delivered at Ile du Port on 6<sup>th</sup> May 2022.

---

R. Govinden

**Chief Justice**