

SUPREME COURT OF SEYCHELLES

Reportable
[2022] SCSC
CO 26/2019

In the matter between:

THE REPUBLIC

AND

ROBERT SAVY

1st Accused

RODDY JEAN

2nd Accused

(Absent / Unrepresented)

Neutral Citation: *Rep v Savy* CO26/2019 [2022] SCSC

22nd July 2022

Before: M. Vidot, Judge

Heard: 6th April 2022

Delivered: 22nd July 2022

SENTENCE

M. VIDOT, JUDGE

- [1] The Accused were charged and pleaded guilty to the following offence: Theft contrary to and punishable under section 264 (a) as read with section 22 (a) of the Penal Code (*Cap 158*).
- [2] The Particulars are that Robert Marcus Savy of Union Vale, Mahe, together with Roddy Jean of Union Vale, Mahe, on the 16th March, 2021 at the Elderly Home Union Vale, Mahe, with common intention stole from Emmanuel Vidot SCR3850/- cash, the identity Card and Absa bank card from the pocket of the said Emmanuel Vidot.
- [3] They were accordingly convicted.

- [4] The Accused, are first time offenders, and therefore request for a Probation report, before sentence is meted out. The reports were received and served on the respective Counsels.
- [5] In mitigation Counsel for both Accused pleaded to Court to show leniency to their clients. They noted that the Accused have pleaded guilty and show remorse, they are still very young, and they were at the time of the commission of the offence, drug dependant. However, during the period they have been on remand, they have been able to work on their addiction. Counsel claim that, what the accused did was a mistake, with respect of Counsels, I do not find such act to be mistake.
- [6] Counsels, relied on the probation reports this Court shall give due consideration to the Respondent. Reading the Report, I find that the Accused, did not have proper guidance, when growing up, and marred with social ills that exist within the family, it is no surprise that the Accused, has ended up in criminality. I will be the first to admit that these young men were not given a fair chance in life, but at the same time, the chances that were accorded to them were not used in a positive way. The reports highlight that they were not brought up in loving environment, there was no proper guidance.
- [7] However, it remains a fact that the offence was perpetrated against a Pensioner. He was robbed at his money. That is a total disrespect to the older generation, preying on the vulnerable. Such acts cannot and should not be condoned.
- [8] A guilty plea will earn an accused credit as far as sentence is concerned as it saves Court's time and inconvenience of the witnesses having to give evidence in Court.
- [9] Having considered all mitigating factors, as presented by Counsels, and I sentence the Accused as follows;
- i. Each accused is sentenced to a term of 18 months' imprisonment and each to pay a fine of SR 5 000 and in default to a term of 3 months' imprisonment and which shall become due and payable within 6 months from today.

- ii. Out of the fine of 6 000 Rupees shall be paid as compensation to Mr. Emmanuel Vidot.
- iii. Time spent on remand shall be discounted against the sentence.
- iv. If unsatisfied with the sentence. The Accused may appeal against the same within 31 working days from today.

Signed, dated and delivered at Ile du Port on 22nd July 2022.

M. Vidot

Judge