

**IN THE SUPREME COURT OF SEYCHELLES**

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**Reportable**

[2023] SCSC 411

CO49/2022

In the matter between:

**THE REPUBLIC**

*(rep. by Shireen Denys)*

**PROSECUTION**

And

**RYAN HENDRICK MARIE**

*(rep. by Joel Camille)*

**ACCUSED**

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**Neutral Citation:** *Republic vs. Ryan Marie* [2023]SCSC 411 CR49/2022

**Before:** Dodin J

**Heard:** 22 May 2023

**Delivered:** 05 June 2023

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**RULING**

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**DODIN J.**

[1] This is a Ruling on whether to further remand the Accused Ryan Marie who stands charged with one count of manslaughter contrary to Section 192 of the Penal Code and punishable under Section 195 of the same code.

[2] The particulars of the offence are that on the 25<sup>th</sup> September 2022 the Accused stabbed one Antoine Cousin with a knife causing his death on the same date at the Seychelles Hospital.

- [3] The Accused was first remanded on the 24<sup>th</sup> October 2022 by this Court after having been arrested by the Police and remanded by the Magistrate's Court.
- [4] Learned Counsel for the Accused submitted that despite the offence being serious, there are several precedents where an accused charged with manslaughter has been released on bail with conditions and referred the Court to the case of **Rep vs. Expedite Barra** in support of his submission.
- [5] Learned Counsel further submitted that the prosecution cannot rely on the ground of seriousness of the offence as it is not a standalone ground to remand an accused person.
- [6] Learned Counsel submitted that the other factors that were laid out in the affidavit were no longer relevant as the court can impose conditions to ensure the Accused attends court and does not commit any similar offence whilst on bail.
- [7] Learned Counsel for the Republic objected to the release of the Accused on bail for the reasons contained in the Affidavit of Woman Police Corporal Rania Ladouce dated 21<sup>st</sup> October 2022. Learned Counsel submitted further that in this case there was extreme violence involved and the stab wounds inflicted by the Accused on the deceased were fatal and caused the deceased's violent death. Learned Counsel submitted that even if the Accused is being tried for manslaughter, the factors involved in the commission of this offence by the Accused differ greatly from the cases referred to by Learned Counsel for the Accused.
- [8] Learned Counsel submitted that in the other cases referred to, there was no direct violence committed by the accused person such as in Rep vs. Barra where the victim died as a result of running into a chain which had been pulled across the road. In the actual case, the violence was such that it left the victim with his entrails protruding from his body and the act of the Accused was so violent that a third party who attempted to break off the attack had to desist from doing so due to the violence involved. Learned Counsel moved the Court to continue to remand the Accused pending trial.
- [9] I have given due consideration to the submissions of both learned counsel and I have considered the Affidavit of W.P. Corporal Ladouce. I note that the investigation is now

completed. Of the four grounds given for remanding the Accused, I agree with learned counsel for the Accused that the Court can impose conditions to ensure the Accused does not leave the jurisdiction or interfere with witnesses or potential witnesses.

[10] On the ground that the relatives of the victim are a threat to the Accused's life and limb, the Court does not make any finding considering that the victim wishes to take his chances although the Court would prefer the victim to be safe and face justice with his life and limbs intact.

[11] The only outstanding issue is the seriousness of the offence. Whilst it is now trite law that seriousness of the offence alone is not a sole and sufficient ground to remand the accused, if seriousness of the offence is coupled with circumstances such as serious violence, weapons used, death or injury, then it could be sufficient reason to remand an Accused person into custody.

[12] In the current case, I am satisfied that from the Affidavit of facts of W.P.Corporal Ladouce that the death of the victim Samuel Cousin was very violent and resulted from the use of an offensive weapon, namely a knife causing fatal injury to the victim.

[13] For the above reasons, I do not consider it prudent to release the Accused on bail at present.

[14] I therefore remand the Accused into custody as prayed for by the prosecution.

[15] This does not preclude the Accused from making further application for bail should there be changes in circumstances.

Signed, dated and delivered at Ile du Port, Victoria on 05<sup>th</sup> day of June 2023

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C G Dodin

Judge