

SUPREME COURT OF SEYCHELLES

Reportable
CM88 of 2024
(Arising in CO 45 of 2024)

In the matter between

THE REPUBLIC
(Rep. by Mr. B. Galinoma)

Applicant

and

MAWALLA KATTADILAGE PADMASIRI
(Rep. by Mr. C. Andre)

Respondent

Neutral Citation: *The Republic v Padmasiri* (CM 88/2024) [2018] 27th June 2024
Before: Adeline J
Summary: Sale and disposal of perishables/Section 54 (1) (a) and (c) of the Fisheries Act, 2020.
Heard: 27 June 2024
Delivered: 27 June 2024

ORDER ON MOTION

Adeline J

[1] The Republic, the Applicant in respect of this application, brings this application by way of Notice of Motion pursuant to Section 54 (1) (a) and (c) of the Fisheries Act, 2014 (Act 20 of 2014). By its application, the Applicant pleads for an order of this Court in the following terms;

1. *An order allowing some of the highly perishable articles seized under the Fisheries Act 2014 to be sold and some of the highly perishable articles to be destroyed in accordance with Section 54 (1) (a) and (c) of the Fisheries Act 2014 for the reason set out in the attached affidavit.*

2. The Applicant supports its application by an affidavit sworn by Detective Woman Police Constable Anna-Belle Payet who is presently attached to the Priority Crime Unit at Bois De Rose.
3. Learned Counsel who in previous Court proceeding on the matter on the 24th June 2024 had indicated that he would file his objection to the application in answer to the same, now informs the Court, that he is not going to respond to the application.
4. In the absence of a response from the Respondent, I have given due consideration to the affidavit evidence of Detective Woman Police Constable Anna-Belle Payet, and the law for the making of the order being sought for.
5. The statutory provisions of Section 54 (1) (a) and (c) of the Fisheries Act, 2014 under which this application has been made is couched in the following terms;

“54. (1) The Court may, on application, order;

a. Any fish, fish products or other perishables articles seized under this Act, to be sold”

c. any or fish product or other perishable articles seized under this Act which are likely to become unfit for human consumption before the matter can conveniently be dealt with by the Court, to be destroyed.”

6. In the circumstances, this application is granted and accordingly, this Court makes the following orders;
 - a) Destruction of the salted catch weighing 686 kilograms, and
 - b) Sale of the whole frozen sharks weighing 10318 kilograms, 28 kilograms of shark fin, 50 kilograms of sailfish, and the mixed demersal (Red Snapper and two spots Red Snapper).

Signed, dated, and delivered at Ile du Port on 27 June 2024

Adeline J