

IN THE SUPREME COURT OF SEYCHELLES

Reportable

CO20/2024

In the matter between

THE REPUBLIC
(rep. by Sophie Vel)

PROSECUTION

AND

BASHIRU CHANDE
(rep. by S. Rajasundaram)

ACCUSED

Neutral Citation: *Rep vs. Bashiru Chande (CO20/2024)*

Before: G Dodin

Heard: 01 August 2024

Delivered: 01 August 2024

SENTENCE

Dodin J

[1] The Convict stands convicted on his own guilty plea of the following offence:

Statement of offence

Importation of a Controlled drug contrary to Section 5 of the Misuse of Drugs Act, 2016 and punishable under Section 5 of the same Act, read with the Second Schedule and read with Section 48 (1) (a) & (b) of the Misuse of Drugs Act, 2016 (Cap 133).

Particulars of offence

Bashiru Chande, 31 years old Malawian national, holding passport MW240251, on the 31st of March 2024 at the International Airport, onboard Air Seychelles flight HM060, imported into Seychelles a controlled drug namely Heroin (Diamorphine), having a total weight of 4953.20 grams.

- [2] The Convict is a Malawian National, aged 31 years old. At a time the convict was in South Africa, he was approached and, was offered money to bring a bag which was found to contain drugs; totalling 4953.20 grams Heroine (Diamorphine) to Seychelles. The Convict is the 7th child with a family of nine siblings. He is divorced and has 2 children now being taken care of by his sister.
- [3] Learned Counsel in mitigation submitted that the Convict realises the seriousness of his situation and shown remorse; he pleaded guilty, saving the court's time and expenses of a trial. According to Probation Services Report, the convict's mother is chronically sick and convict was struggling to make ends meet. Coming from a poor and harsh living condition, he agreed to undertake the trip to Seychelles.
- [4] Learned Counsel moved for lenient sentence. The convict is a first time offender.
- [5] I have also considered the aggravating factors which consist of the substantial amount of drugs being 4953.20 grams of a Class A drug; there was an international crime ring; the drug had considerable commercial value if it could reach the market. These therefore make the offence an aggravated one for which a sentence of imprisonment should be imposed without remission.
- [6] I have considered the following cases in respect of sentences imposed for importation of Class A drugs; *Suki v R (SCA 10 of 2019) [2020] SCCA 13 (21 August 2020)* 523.7 grams of Heroin and cocaine to the amount of 151.1 grams and he was sentenced to 8 years imprisonment. *R v Vambe (CO 105 of 2021) [2022] SCSC 294 (31 March 2022)*; 1512 of Heroin (Diamorphine) and 503 Cocaine and he was sentenced to 5 years for each. *R v Mondon & Ors (CO 44/2017) [2020] SCSC 481 (2 April 2020)*; 33855 grams of Cannabis Resin a Class B drug and the sentence was a maximum of 8 years imprisonment.
- [7] Having considered all the mitigating and aggravating factors and the circumstances of the case as well as the Probation Services Report and recommendation, I impose a sentence of 9 years imprisonment on the convict. He shall not be entitled to remission. Time spent on remand shall form part of the sentence.

[8] He can appeal against the sentence within 30 working days.

Signed, dated and delivered at Ile du Port on 01 day of August 2024.

G Dodin
Judge