

IN THE SUPREME COURT OF SEYCHELLES

Reportable

CR29 /2023

In the matter between

THE REPUBLIC
(rep. by Rea Alcindor)

Prosecution

and

FREDDY GANGADOO
(Unrepresented/ in person)

Accused

Neutral Citation *The Republic v Freddy Gangadoo* (CR29/2023) delivered on 20 May 2024

Before: Vidot J

Summary Willfully and unlawfully setting fire to anything which is so situated that a building is likely to catch fire from it, contrary to section 319(b) and punishable under section 319 of the Penal Code.

Willfully and unlawfully destroys or damage any property to and punishable under section 325(1) of the Penal Code

Heard:

Delivered: 20 May 2024

SENTENCE

VIDOT J

[1] The Accused was charged with two counts as follows;

Count 1

Statement of Offence

Willfully and unlawfully setting fire to anything which is so situated that a building is likely to catch fire from it, contrary to section 319(b) and punishable under section 319 of the Penal Code.

Particulars of Offence

Freddy Gangadoo bearer of [REDACTED] whose residence is unknown, on the 17th April 2023, at La Rosiere, Mahe, wilfully and unlawfully set fire to a sofa situated adjacent to the Kannu Samy Building at La Rosiere, Mahe, whereby the fire from the sofa spread over to the said building

Count 2 (In alternative to Count 1)

Statement of Offence

Willfully and unlawfully destroys or damage any property to and punishable under section 325(1) of the Penal Code

Particulars of Offence

Freddy Gangadoo bearer of NIN [REDACTED] whose residence is unknown, on the 17th April 2023, at La Rosiere, Mahe, wilfully and unlawfully damaged several electrical boxes, three scooters with registration numbers S [REDACTED], S [REDACTED] and S [REDACTED], a one seater sofa and two seater sofa at the Kanu Samy Building at La Rosiere, Mahe, by setting fire to them.

[2] The Accused pleaded guilty to both Counts. Counsel for the Republic then read out the facts to Court, which facts were admitted by the Accused. Thereafter, the Court convicted the Accused as charged. Since the Accused was unrepresented, the Court felt it appropriate to call for a Probation Pre-Sentence Report (“the Report”). The Accused was invited to make submission in mitigation and was assisted by Court. The Report and the

submission in mitigation shall be given due consideration when evaluating the sentences to be meted out.

[3] According to the Report, the Accused who is 47 years old is unmarried and does not have any children. He is without secure employment and no fixed abode. At some point in time he was accommodated at the homeless shelter at North East Point. However, due to misbehaviour he could no longer be accommodated there. He is alcohol dependent and that caused him to be abusive towards other occupants of the shelter. He was sent for treatment for his alcohol dependency but he dropped out of the programme.

[4] The Report also notes that the Accused has had a life of criminality albeit that the offences committed are not as serious as the present one.

[5] In mitigation, the Accused asked Court to show leniency to him. He has pleaded guilty and saved the court's precious time.

[6] Indeed the guilty plea is evidence that he Accused has shown remorse and has accepted responsibility for the offence committed. A guilty plea in fact should earn an accused credit as far as sentence is concerned.

[7] However, the offences committed could have had serious consequences. It could have ended up in loss not only to property but more importantly of life had the fire not been extinguished immediately.

[8] In the circumstances, I hereby sentence the Accused as follows;

- i. Count 1 to a term of 3 years and 6 imprisonment;
- ii. Count 11 to a term of 18 months imprisonment.

The sentences shall run concurrently.

[9] Time spent on remand shall be deducted from the sentence.

[10] If unsatisfied with this sentence, the Accused has a right of appeal against the same within 30 working days from today.

Signed, dated and delivered at Ile du Port on 20 May 2024.

M Vidot J