

IN THE SUPREME COURT OF SEYCHELLES

IN THE MATTER OF CRIMINAL APPEAL NO.16 OF 2006
(FROM ORIGINAL CONVICTION IN MAGISTRATE'S COURT
A CRIMINAL CASE NO.224 OF 2006)

FRED EMMANUEL

Appellant

VS.

THE REPUBLIC

Respondent

Mr. Hoareau for the Appellant

Mrs. Robinson for the Respondent

ORDER

Gaswaga, J

Mr. B. Hoareau appearing for Mr. Fred Emmanuel who was convicted and sentenced to five years in prison on the 7th December, 2006 by the Magistrate's Court A for the offence of robbery with violence has moved the court to include the period the said convict had spent on remand in that sentence. Indeed upon perusing the relevant record I found that the convict was first arrested, presented in court and remanded on the 21st April, 2004. Between this date and the 7th December, 2006 his remand was extended as follows:

21 st April, 2006 to 26 th April, 2006 =	5 days.
26 th April, 2006 to 4 th May, 2006 =	9 days.
5 th May, 2006 to 18 th May, 2006 =	14 days.
18 th May, 2006 to 31 st May, 2006 =	13 days.
31 st May, 2006 to 7 th June, 2006 =	7 days.
7 th June, 2006 to 21 st June, 2006 =	14 days.
21 st June, 2006 to 5 th July, 2006 =	14 days.
5 th July, 2006 to 12 th July, 2006 =	7 days.
12 th July, 2006 to 13 th July, 2006 =	1 day.
13 th July, 2006 to 27 th July, 2006 =	14 days.
27 th July, 2006 to 1 st August, 2006 =	5 days.
1 st August, 2006 to 9 th August, 2006 =	8 days.
9 th August, 2006 to 23 rd August, 2006 =	14 days.
23 rd August, 2006 to 28 th August, 2006 =	5 days.
28 th August, 2006 to 12 th September, 2006 =	15 days.
12 th September, 2006 to 26 th September, 2006 =	14 days.
26 th September, 2006 to 11 th October, 2006 =	15 days.
11 th October, 2006 to 25 th October, 2006 =	14 days.
25 th October, 2006 to 8 th November, 2006 =	14 days.
8 th November, 2006 to 16 th November, 2006 =	8 days.
16 th November, 2006 to 24 th November, 2006 =	8days.
24 th November, 2006 to 12 th December, 2006 =	<u>13 days.</u>
TOTAL	<u>231 days</u>

It is clear from the judgment of the lower court that the period of 231 days spent on remand by the accused was not considered during sentencing. Article 18(14) of the Constitution states thus:

“18(14). Where a person is convicted of any offence, any period which the person has spent in custody in respect of the offence shall be taken into account by the court in imposing any sentence of imprisonment for the offence.”

Accordingly, it is here by ordered pursuant to Article 18(14) that the said 231 days be counted as forming part of the 5 year sentence.

Copy of this order is to be served on the Superintendent of Prison.

I so order.

D. GASWAGA
JUDGE

Dated this 9th day of February, 2009.