

**SUPREME COURT OF SEYCHELLES**

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Reportable  
CO84/2023

In the matter between:

**THE REPUBLIC**  
*(rep. by Lansinglu Rongmei)*

**Republic**

and

**DAN CHRISTOPHER ILDRIS**

**1<sup>st</sup> Convict**

**TERRY ANTOINE POINTE**  
*(rep. by Audric Govinden)*

**2<sup>nd</sup> Convict**

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**Neutral Citation:** *Republic v Ildris & Anor* (CO84/2023) (28 January 2026)

**Before:** Burhan J

**Summary:** Sentence - Robbery with violence

**Heard:** 16<sup>th</sup> January 2026

**Delivered:** 28<sup>th</sup> January 2026

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**ORDER**

I proceed to sentence each convict on Count 1 as follows;

First Convict – A term of 12 years’ imprisonment

Second Convict – A term of 12 years’ imprisonment.

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**SENTENCE**

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**BURHAN J**

- [1] The two aforementioned convicts were found guilty after trial and convicted on the following Count by Court on the 05 December 2025:

Count 1

*Robbery with violence contrary to Section 280 as read with Section 22 (a) of the Penal Code and punishable under Section 281 of the Penal Code Cap 158.*

*Particulars of offence*

*Dan Christopher Ildris, 32 years old, holding NIN 992-0907-1-28 and his brother Terry Antoine Pointe, 28 years old, holding NIN 995-1095-1-1991, both unemployed and resident at St. Louis, Mahe, on the 14<sup>th</sup> October 2023, at about 15:15 hours entered Raghavendra Shopping Center, at Beau Belle, Mahe, masked and armed with a knife and a piece of wood respectively and robbed one Mrs. V Shanmuga Vabivelan of her mobile phone valued at SR5000/-, her gold necklace valued at SR11,000/- and stole SR8000/- cash from the Cashier Register and that at or immediately before or immediately after the commission of such robbery, used actual violence against the said Mrs. Vabivelan, by grabbing and dragging her and also injuring her neck and also threatened with the knife.*

- [2] At the request of learned Counsel for the convicts, Mr Audric Govinden, a probation report was called in respect of both the convicts.
- [3] The first convict is 33 years and the second convict 30 years of age. It appears that both convicts admit in the report prepared by the probation that the offence was committed due to their need for cash to purchase controlled drugs. Both accept they are drug users. The probation report states that the first convict has continuously changed schools due to family issues. It is clear he has done numerous jobs over the years and also kept changing his jobs and working more on a casual basis than being permanently employed. He has stated to the probation that he had no control of his actions during the incident as he felt possessed. He moved for forgiveness for his action and that the period of remand be considered at the time of imposing the sentence. It appears attempts to rehabilitate him have been only of temporary success but he has always relapsed to Heroin use.

- [4] It appears from the report that the second convict was taken from his mother's care as she was unable to provide adequate care for him as she was facing personal difficulties. He was placed at Foyer de Nazareth. However, at the age of twelve, he had left the institution and returned to his mother where he stayed thereafter. He failed to complete his schooling due to financial and social issues. He has worked as a security officer for one and half years and thereafter done casual work in fishing boats, short term work as a steward and assisted 'Seybrew' in deliveries.
- [5] At the time of the incident he was unemployed and using illicit substances. He has stated to the probation that his girlfriend had been pressuring him for cash to purchase drugs. It appears that both convicts while in remand have conducted themselves well.
- [6] In mitigation, learned Counsel informed Court that both convicts are drug dependent and at the time of committing the offence were intoxicated on alcohol and drugs. The need for money to purchase drugs was what pushed them to commit the offence. He moved the Court to take these matters into consideration. Learned Counsel submitted there was not much he could mitigate on but stated that whilst in remand they conducted themselves well.
- [7] In a case of this nature, I observe the following aggravating circumstances. The robbery occurred in broad daylight at a time when the lady was alone in the shop. A dangerous knife had been used to threaten the victim and as per the video evidence, physical force had been used on her resulting in injuries. Further, the value of the items stolen is high. Both convicts have lengthy records as per their previous conviction reports which they admitted in open court. No assistance was given in the recovery of the items. While both convicts admitted their lengthy convictions their learned Counsel moved that the spent previous convictions not be considered.
- [8] In Rath v Republic [2016] SCCA 36, it was held that in deciding the appropriate sentence, it is trite law in many jurisdictions that the Court should be guided by a number of factors, i.e. –
- (i) The public interest.
  - (ii) The nature of the offence and the circumstances under which it was committed.

- (iii) For a first offender the emphasis should be on reformative aspect.
- (iv) The gravity of the offence.
- (v) The prevalence of the offence.
- (vi) The damage caused i.e. seriousness of injury caused.
- (vii) The mitigating factors.
- (viii) The age and previous record of the accused.
- (ix) The period spent in remand custody.
- (x) The accused's cooperation with law enforcement agencies.

[9] Having thus listed out the factors to be considered as mentioned earlier, using a weapon during a robbery is becoming prevalent in the Seychelles and therefore in the view of the court, strong deterrent punishment should be given to ensure that such actions are not repeated. The video evidence clearly depicts the trauma undergone by the victim during the robbery. Though her injuries were not serious the victim had to undergo treatment for her injuries and for trauma.

[10] When one considers the case of Hedley Moustache v Republic [2016] SCCA 11, the Seychelles Court of Appeal upheld a sentence of 15 years imprisonment in a case of robbery with violence where the convict used a knife. The injuries in *Hedley Moustache* were also not of a serious nature. The Seychelles Court of Appeal in the cases of Flore v R (SCA CR 12 of 2020) [2021] SCCA 74 and Mike Vital & Anor v R (SCA 23 of 2015) [2017] SCCA 29 upheld sentences of 14 and 12 years respectively on the basis that the sentence imposed by the learned Judge has not breached, and was in line with the well-known principles of sentencing, namely parsimony, proportionality and parity. In *Flore* the Seychelles Court of Appeal further held that the facts indicated that it was case where deterrence, denunciation, rehabilitation and community protection had to be considered.

[11] I am of the view that the offence with which both convicts have been convicted is of very serious nature and attracts a maximum term of life imprisonment as violence and a weapon was used in the commission of the offence. I am of the view that considering the aggravating circumstances of this case and the fact that both convicts are habitual offenders the sentencing should be in line with deterrence, denunciation and community protection. The reason for the commission of the offence namely the need for money to buy drugs is not a matter that can be taken into consideration as a mitigation factor. However, whilst serving their term the attempts to rehabilitate them must not be abandoned. The probation report too recommends a custodial term be imposed to serve as a future deterrent and that the safety of the community be the primary consideration of the Court when sentencing the convicts.

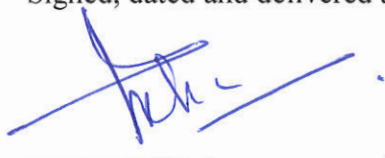
[12] Giving due consideration to all the aforementioned facts, I proceed to sentence each convict on Count 1 as follows:

First Convict – A term of 12 years' imprisonment

Second Convict – A term of 12 years' imprisonment.

[13] Time spent in remand to count toward sentence.

Signed, dated and delivered at Ile du Port on 28<sup>th</sup> January 2026.



M Burhan J

