

SUPREME COURT OF SEYCHELLES

Reportable
CO46/2024

In the matter between:

THE REPUBLIC
(rep. by Ketlynn Marie)

Republic

and

BERTRAND WILLIAM MAMBE
(rep. by S Rajasundaram)

Convict

Neutral Citation: *The Republic v Bertrand Mambe* (CO 46/2024) (24 March 2025)

Before: Burhan, J

Summary: Cultivation of a controlled drugs

Heard: 03 March 2025

Delivered: 24 March 2025

ORDER

I proceed to sentence the convict Bertrand Mambe on Count 1 to a term of 6 months' imprisonment which I suspend for a period of 2 years and a fine of SCR 15,000 (fifteen thousand) in default of payment of fine a term of 6 months' imprisonment.

SENTENCE

BURHAN J

[1] The convict Bertrand William Mambe was convicted on his own plea of guilt in respect of the following offence:

Count 1

Cultivation of a controlled drug contrary to section 6 (2) of the Misuse of Drugs Act 2016 and punishable as specified in the Second Schedule of the said Act.

Particulars of offence are that, Bertrand William Mambe bearer of NIN 003-0182-1-1-56 of Le Niole on the 23rd March 2020, was found cultivating 30 cannabis plants, ranging from 13cm to 130cm in length at his residence located in Le Niole.

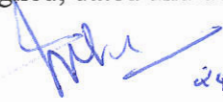
- [2] Prior to sentencing the convict, a probation report was called. It states the convict is 21 years of age and was 18 years old at the time of the commission of the offence which according to the charge sheet occurred as far back as 23 March 2020. He has worked as a casual labourer and helper. At present he is employed as a delivery boy. The probation report refers to the fact that the convict has a great passion for gardening and rearing of animals. He has informed the probation that the Cannabis plants were entirely for his own personal consumption and admitted he was a user of Cannabis and Heroin. He has expressed remorse and stated that he will refrain from repeating such offences. He has requested that an alternative sentence be imposed to that of imprisonment. The probation recommends that a suspended term of imprisonment be imposed on the convict.
- [3] Mr Rajasundaram in mitigation, emphasised the fact that the accused was 18 years old at the time of the offence and a first offender. He has expressed remorse by pleading guilty and learned Counsel moved that Court be lenient and give him a chance to come back and lead a normal life.
- [4] I have considered the facts set out in the probation report and the plea in mitigation. I observe that he has committed the offence as far back as 2020 when he was only 18 years of age. However, charges have been filed only on the 21 June 2024 over four years later. In the case of Pascal Fostel v Republic 2014 SCCA 24, the Seychelles Court of Appeal held that inordinate delay not based on the fault of the accused, is a ground to reduce the penalty being imposed on the convict which was adopted by this Court in Republic v Jean Luc Marie [2020] SCSC 547. It is clear that the convict by pleading guilty at the very first instance has saved further delay that would have been caused by a protracted trial. I also

observe that the offence is not an excepted offence as set out in section 287 of the Criminal Procedure Code CAP 54. Giving consideration to *Republic v Neddy Cadeau [2020] SCSC 355* and the recommendation of the probation report and the aforementioned facts, I do not wish to impose a custodial term of imprisonment on the convict.

[5] I proceed to sentence the convict as follows.

Count 1 – to a term of 6 months imprisonment which I suspend for a period of 2 years and a fine of SCR 15,000 (fifteen thousand) in default of payment of fine a term of 6 months imprisonment.

Signed, dated and delivered at Ile du Port on 24 March 2025



M Burhan J

