

SUPREME COURT OF SEYCHELLES

Reportable
CO31/2024

In the matter between:

THE REPUBLIC
(rep by Mrs Lansinglu Rongmei)

Prosecution

And

B [REDACTED] N [REDACTED]
(rep by Mr Daniel Cesar)

Convict

Neutral Citation: *The Republic vs B [REDACTED] N [REDACTED]* (CO31/2024) (25 September 2025)

Summary: Sentence

Before: D. Esparon, J

Heard: 5 September 2025

Delivered: 25 September 2025

ORDER

The convict is sentenced to a term of 6 years imprisonment with a recommendation that he receives psychological help or treatment in order to help him with his alcohol addiction and to address his sexual behaviour during the time he is serving the present sentence.

SENTENCE

D. Esparon, J

Introduction

1. The accused [REDACTED] has been charged in the 1st Count with the offence of Sexual Assault contrary to section 130(1) read with section 130(2) of the Penal Code. In the alternative to count 1 namely count 2, the accused has been charged with the offence of

Attempt to sexually assault contrary to section 130(1) as read with section 130(2) (d) and section 377 of the Penal Code.

2. The accused pleaded guilty to count 2 being the alternative count to count 1 and was convicted on count 2 for the offence of Attempt to Sexual Assault contrary to section 130(1) read with section 130(2) (d) and section 377 of the Penal Code after accepting the facts of the prosecution case. The particulars of the offence of the said count 2 reads as follows;

‘[REDACTED] of [REDACTED] Mahe, currently lodged at Montagne Posee Prison, on the 19th February 2021 at [REDACTED] Mahe, attempted to sexually assault Miss [REDACTED], a House Keeper by forcibly spreading her legs, pulling her panty down and putting her legs up in order to insert his penis into the anus of said Miss [REDACTED] for sexual purpose’.

Mitigation by Counsel for the accused

3. Counsel for the accused put forth before the Court in mitigation that the accused is 29 years old and has pleaded guilty at the first reasonable opportunity showing responsibility, acceptance and remorse for the wrongdoing. That he has saved the court’s precious time. That during his previous incarceration for previous offences, he has previously been given psychological services but was discontinued post release and hence he has pleaded to the Court that such a sentence imposed by the Court should be tailor made to give the accused person Psychological support in view of the pattern of the accused committing previous similar offences.
4. The social services report have stated that according to the accused version that when he is heavily intoxicated his behaviour gets out of control and triggers the sexual behaviours. The probation report has recommended a custodial sentence with a recommendation that the accused receives appropriate psychological intervention to address his sexual behaviour during his prison term.

Analysis and determination

5. From the outset, this court would like to expound on the principle of sentencing as laid down in decided cases. In the case of **Ponoo V/S Attorney General (2011) SLR**, the Court of Appeal held that;

‘sentencing is an intrinsic judicial power which involves the human deliberation of the appropriate conviction to be given to the particular offender in the circumstances of the case. It is not a mere administration of a common formula standard or remedy’.

6. In the case of **Savy v/s R (1976) SLR 54**, the Court held that;

‘In sentencing, the Court should consider the necessity of punishing crime, the deterrent effect on others of the appropriate punishment, and the need to protect the public from offences especially at the hands of those entrusted with the enforcement of the law, the previous good character of the accused, the motive for the offence and the loss of usefulness to the state by a prison sentence’.

7. In the case of **R V/S Aden (2011) SLR 41** the Court held that;

‘In sentencing, one relevant factor is the seriousness of the offence’.

8. Further, in the case of **R V Aden (2011) SLR 41**, the Court also held that;

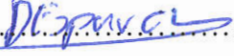
‘when determining a sentence, the court should take into account previous sentences in similar cases. However, the Court should be aware of the differences between cases’.

9. In the present matter, I have considered the following mitigating factors in favour of the accused namely the accused has pleaded guilty at the first reasonable opportunity by saving the precious time of the Court and by pleading guilty showing remorse. I have also considered the accused alcohol problems which according to him, it triggers such sexual behaviours. I have also given due consideration to the probation report which in addition recommended that the accused receives appropriate psychological intervention to address his sexual behaviour during his prison term.
10. However, I am of the view that the offence committed by the accused is serious since the maximum sentence prescribed by law is 7 years in accordance with section 379 of the Penal Code. Further, I take note that some violence was used in the commission of the offence and was committed against a young girl of 18 years of age.
11. I also take into consideration that the accused has previous convictions and is a repeated offender in view that the accused was convicted and sentenced to a term of 10 months imprisonment for the offence of sexual assault in CN 61 /20 and he was further convicted and sentenced to a term of 3 years imprisonment for the offence of committing an indecent Act in CN 318/22 on the 24th July 2023. In June 2025, he was convicted and sentenced to a term of 4 years imprisonment for the offence of indecent act in CN 69/24 of which are facts which were revealed to the Court in the probation report as well as by counsel for the prosecution which shows that there are aggravating factors present.
12. In view of the above, I am of the view that a custodial sentence is most appropriated in view of the circumstances of the case. As a result, I accordingly sentence the accused to a term of 6 years imprisonment of which the accused will start serving the present sentence after completing any sentence he is currently serving.

13. I further recommend that the accused receives psychological help or treatment in order to help him with his alcohol addiction and to address his sexual behaviour during the time he is serving the present sentence.

14. The accused has a right of Appeal within 30 days from the date of this sentence.

Signed, dated and delivered at Ile du Port on 25th September 2025.


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Desparon Judge

