

SUPREME COURT OF SEYCHELLES

Reportable/ Not Reportable / Redact

CO4/2022

In the matter between:

THE REPUBLIC

*(rep. Mr Powles alongside Mr Thachet
Miss Naidoo and Ms Rea Alcindor)*

and

MUKESH VALABHJI

*(rep by Mr James Lewis alongside
Mr France Bonte)*

1st Accused

LAURA VALABHJI

*(rep by Ms Scott alongside Mrs Aglae
& Ms Hockings)*

2nd Accused

LESLIE BENOITON

(rep. by Mr Basil Hoareau)

3rd Accused

MR FRANK MARIE

(rep by Mr Joel Camille)

4th Accused

Neutral Citation: The Republic v/s Valabhji & Ors (CO 4/2022 [2025] 27 May 2025)

Before: Govinden CJ,

Heard: 27 May 2025

Delivered: 27 May 2025

RULING

GOVINDEN CJ

[1] I've considered the notice of motion and affidavit of 1st accused dated the 27th of May 2025, asking for recusal of myself as the presiding judge in this case and such other orders as maybe just and necessary.

- [2] At paragraph 38 of the motion, the Applicant avers that the Court is taking active and deliberate steps to obstruct his constitutional right to fair hearing and that this cannot be allowed to happen. The Court considers that this notice of motion to be either an appeal against its previous Order, dated the 26th of May 2025, or a prayer for constitutional remedies, especially given that the right to fair hearing under Article 19(1) is averred and at paragraph 38 where the Court is said to be taking steps to obstruct constitutional right to fair hearing.
- [3] The Court cannot grant both remedies as there is no right of appeal or review against its interlocutory Rulings within those criminal proceedings, and this Court also has no constitutional jurisdiction, which is reserved specifically to the Constitutional Court under Article 46(7) of the Constitution.
- [4] Accordingly, this notice of motion is incompetent and it is it dismissed.

Signed, dated and delivered at Ile du Port on 27 May 2025



Govinden CJ