SUPREME COURT OF SEYCHELLES

Reportable
CO 17/2025

In the matter between:

THE REPUBLIC — **Prosecution**
(rep. by Sophie Vel)

and

CHARLES BARNSLEY ESTICO — **Accused**
(rep. by Reah René)

Neutral Citation:	*The Republic v Charles Barnsley Estico* (CO 17/2025) (11 September 2026).
Before:	Burhan ACJ
Summary:	Unlawful wounding with intent to cause grievous harm.
Heard:	24/06/25, 26/06/25, 08/07/25, 14/07/25, 18/07/25, 28/07/25, 16/01/25
Delivered:	11 September 2026

ORDER

I proceed to find the accused Charles Estico guilty of the charge contained in Count 1 and proceed to convict him of same. No order is made in respect of the alternative Count 2.

JUDGMENT

BURHAN ACJ

[1] The accused Charles Estico stands charged as follows:

Count 1

Unlawful wounding with intent to cause grievous harm contrary to and punishable under Section 219 (a) of the Penal Code (Cap 158).

Particulars of offence are that, Charles Estico, 66 years old Pest Control Assistant of Anse Dejeuner, Pointe Larue, Mahe, on the 26th of March 2025 at Pointe Larue, Mahe, with intent to cause grievous harm, unlawfully wounded one Brigitte Chantal Dubois of Anse Dejeuner, Pointe Larue, Mahe with a knife causing a wound on the forehead and multiple stab wounds in the shoulder region and the neck of the said Brigitte Chantal Dubois.

Count 2 (in alternate to Count 1)

Grievous Harm contrary to and punishable under Section 221 of the Penal Code (Cap 158).

Particulars of offence are that, Charles Barnsley Estico, 66 years old Pest Control Assistant of Anse Dejeuner, Pointe Larue, Mahe, on the 26th of March 2025 at Pointe Larue, Mahe, unlawfully wounded one Brigitte Chantal Dubois of Anse Dejeuner, Pointe Larue, Mahe, with a knife causing a wound on the forehead and multiple stab wounds in the shoulder region and the neck of the said Brigitte Chantal Dubois.

[2] The accused denied the charges and the prosecution opened their case by calling the complainant/victim Brigitte Dubois aged 45 years old and residing at Anse De Genets. She testified that she was living in a unit of seven bedsitters belonging to PMC and lived in the seventh bedsitter. The bedsitters were separate but were in the same compound. She admitted in her evidence that on 26 March 2025, she was returning home drunk at night when she met one Rene who was the brother of the accused. She referred to the accused as Charlie and identified him in open Court. She had sat down near the bedsitter where Rene lived which was the third bedsitter in the same compound, to have a drink with him when she felt herself being kicked and she had fallen to the ground.

[3] She had got up and turned to see the accused and had asked him why he had kicked her. The accused was living in his brother's bedsitter as he had no place to live. She stated that before the accused had kicked her he had told her to get out. The accused was standing on the steps when he was talking to her. Witness stated that she had told the accused that she

was waiting for Rene to have a drink with him and that she does not want to drink with the accused. She admitted she got angry at being kicked and that she was also very drunk and had gone back to her bedsitter and taken a knife and a piece of wood from her place and gone back to Rene's place. The accused was waiting for her in front of the steps. She stated she had dropped the knife and taken the piece of wood and started to hit him with the piece of wood because he had kicked her. When she hit the accused, she was standing on the ground in the grass and he was on the step.

[4] Witness stated she noticed the accused had a knife in his hand and he injured her on her forehead and the region of her shoulder. When he stabbed her, she had taken her knife and stabbed him in his back. She had applied pressure with her hand on her neck because she was bleeding. When this incident was occuring Rene was inside the house. The police found her at the bus stop. Witness stated that her daughter lives in the first bedsitter. She could not call her daughter because she was bleeding too much. A lady found her at the bus stop. She stated she was feeling much pain and could not talk. When she was going towards the bus stop, the accused came behind her. He did not help her, he just carried on his way. Whilst she was sitting at the bus stop applying pressure to her neck the police came saw her and saw the accused. The accused was drunk and had said "*I stabbed her, it's done, I stabbed her*".

[5] In her evidence she admitted she had hit the accused prior to this incident not too long ago as he was constantly making comments she did not like. She had told him to shut up and when he did not, hit him with a stick. The police and ambulance had assisted her at the bus stop and taken her to hospital. She had been taken to the Intensive Care Unit at the hospital. Witness described her injuries and the treatment she received at the hospital. When she was discharged from hospital she had given her statement to the police. The photographs taken by the police were shown to her and she explained each photograph in open Court.

[6] Under cross examination, witness admitted she was drunk that day and stated that she has not been living at Anse de Genets for too long and lives there at present because she has nowhere to live. She admitted that though she had said 4 months, she was unsure of how long she has been living there. She denied the suggestion she was unsure of all her facts.

She stated she started drinking in the afternoon at around 2.00 pm. She admitted she was friendly with the brother of the accused Rene but not the accused. She had hit the accused before with a piece of wood on his head twice on an earlier occasion when he was drunk and had stated that she had a child one from one Michael. Witness explained that she does have a child with Michael, however it was the way the accused had said it that annoyed her. Witness admitted she is an alcoholic and there are times when her conduct is disorderly. She had no problems with anyone else and since his remand, everything has been peaceful.

[7] Witness Brigitte stated she socialized with the brother of the accused and they would drink together on a bench outside her house. She denied telling the accused "*there he is not his house go and look for his own house*" and further denied she said "*Rene will put him outside at any moment*". She also denied saying "*I will break the count of your mother if you are a man come outside and I will go and get a knife and put it up your butt*". After he had kicked her, she had gone to her house to get the piece of wood and knife. She denied badmouthing the accused with his brother. When the accused kicked her, she did not see him, she just felt the kick. No one else had seen the incident as it was dark. She stated she would not have injured him if he had not injured her, he was the one that injured her and she did not see if he had a knife in his hand. She admitted she was the one who hit the accused first with the wood. The wood fell from her hand and she bent to pick it up, when she was hit on her forehand and shoulder region and then he stabbed her and then let her go. Witness denied she rolled on the ground with the accused and received the injury while rolling. When the accused stabbed her he said "*I stabbed her, she is dead, it is done, she is dead*". She admitted stabbing him only once. The other injuries on him were from been hit with a piece of wood. He had stabbed her three times and had injured her on her forehead, shoulder region and then stabbed her in the corner of her neck. Witness denied the suggestion that on that day she went looking for a fight and that she went to the residence of the accused with the intention of causing him harm. It was the accused who was looking for a fight because he kicked her with his foot, she did not do anything to him. She did not go to his place to harm him. She admitted her daughter had complained against her for disturbing the estate to the PMC.

[8] The prosecution next called Dr. Reydel Henrique Delis Pérez who has been working in the Seychelles hospital as a surgeon since 2008. He stated he had examined the complainant Brigitte Dubois (DOB 10 October 1970) on 26 March 2025 at 11.30 pm. He observed a laceration on the on the right cheek, forehead and left side of the neck and in the area of the left shoulder. He produced his report as P1.The past medical history of the patient is a known case of epilepsy and hypertension. He proceeded to describe the injuries in detail. It is clear from his evidence that there was a serious injury on the left side of the neck which was a stab injury with a sharp weapon. The laceration was deep. He also described the injury in the left armpit region and stated it was deep enough to reach the pleural cavity beyond the chest wall and could pinch the lung and that would explain the air leak to the damaged tissue. If a sharp weapon goes into this area near the left armpit and goes deep enough he stated, it can pierce through the chest wall, reach the lung, pierce it and some air would escape from inside the lungs which would go to the soft tissue to the skin. He referred to this as a subcutaneous emphysema. When they saw the patient, they were thinking either the wound in the neck or the wound in the armpit may have caused the air leak. She was taken to the operating theatre where they found there were no major injury in the neck. They concluded that there was likely a pinch to the lung from the wound near the left armpit. They cleaned and treated the wound and closed it. After that, the patient went back the ICU. The subcutaneous emphysema began to subside and then she was shifted to the female surgical ward.

[9] During that time, they also prescribed antibiotics to cover for possible infections, but the patient evolved well. After one week at the hospital, she was discharged home in good general condition five days after the admission. Some oral antibiotics was prescribed. She needed to complete one course at home. He stated though there was bleeding, no major blood vessel either the carotid artery or jugular vein were damaged. He further stated that the patient never got a dynamical instability which means that the heart rate, the pulse rate were okay. As a doctor, in his opinion, this can lead to a life threatening condition. During treatment no other complications developed and after she recovered sufficiently she was discharged form hospital.

[10] Under cross examination he stated, he could not recall whether the patient was smelling of alcohol. He had interacted with several patients since then. He stated the doctor at the emergency would be able to tell more about that aspect. He described the procedures adopted in hospital in seeing patients. He further stated that he could not say whether these injuries were self- inflicted as the patient had no history of psychiatric issues or attempted suicide. He further stated he cannot speculate on what would have happened if two persons in a scuffle were rolling on the ground with a knife. He also described the injuries in photos 16, 17 and 18 shown to him.

[11] Under re-examination he stated that at the time he was examining the patient she was conscious. The wound on her neck was inflicted by a blow to the neck which had punctured the skin and the muscle and could not have been inflicted by the victim herself unless she had a psychiatric problem and was attempting suicide. In his view, only the superficial injuries in photos 16 and 17 could have been caused by rolling on the ground during a fight.

[12] The next witness called by the prosecution was Sharatna Mary-Tina Commettant the daughter of the complainant /victim who stated she lives at Anse De Genets with her two children and husband. Her mother lives in the seventh bedsitter next to her. She is close with her mother but she did not grow up with her and was not raised by her but they have always had a good connection. She described her mother as a good person but a person who likes to drink and admitted she is an alcoholic.

[13] On Wednesday 26 March at 7:30 she was sitting on the steps of her house with her mother and boy chatting when they saw the accused on the road swearing. Her mother had said she is going to Rene's and she had put some food in a bowl and taken it. As the accused was swearing Rene spoke to him and witness then heard the accused say, '*Brigitte, I am not talking to you. Shut your mouth*'. Her boyfriend told her to come inside. When she went in, the swearing continued and as they continued arguing and swearing, witness phoned the police and stated she needed assistance. She stated that when the accused drinks, he starts swearing and causing disturbances. When witness phoned the police, the police did not come. She was still on the phone with members of her family telling them what was happening when she heard her mum saying, "*Charlie, you kicked me with your foot? Why*

would you do this to me?" It was silent and it was as though someone had died. When there was this sudden moment of quietness, witness was still on the phone with a member of her family. Just 5 minutes later, the accused came saying that he stabbed or she stabbed him. She could not recall exactly what he said. He had told her to call the police and she had done so. The police officers took 3 to 4 minutes to arrive.

[14] When the police got there, she told them to go directly to the seventh flat to check on her mother. The police came back and told her that they could not find her. The police got into the transport and said that they would go look for her. She informed the family and when she got out of her house, she saw the police car and they had asked her for two towels. They informed her they had found her mother fallen in the bus stop Under cross examination she said her mother is quiet when she does not drink and she often drinks at Rene's place with him. Under cross examination she stated she heard the accused say "*You had a child, but you could not take care of that child. Misel had to take the child*". Misel is the witness' father. She further stated the accused would even swear at her when he is drunk. Witness was cross examined at length on her mother's drinking habits, behaviour and the conversations that took place on the date of the incident but it is clear from this witnesses evidence that she had not seen the actual incident.

[15] Witness SI Jude Bistoquet testified that he is presently attached to the Scientific Support and Crime Record Bureau at Bois De Rose as a crime scene officer and has been in this occupation for more than 10 years. His duties as a crime scene officer is scene of crime examination, photography and fingerprint. On 26 March 2025, he was on duty and had visited the crime scene and examined it and taken photographs of the crime scene. PC Alphonso who was at the scene had assisted him. He collected the exhibit knife and blood samples located at bus stop bench as exhibits and produced the photograph album with photographs as Exhibit P2 1-41 photographs. Witness went on to describe each photograph in open court. It is clear that he had taken photographs of the accused photo nos;14 to 18. He had kept all exhibits sealed and in his possession until he produced them in court. He produced the exhibit chart prepared by him as Exhibit P3. He went on to explain the content of the exhibit chart and produce the exhibits in his possession accordingly, including the knives as P6 and P7. In his evidence and exhibit chart, it is clear that both knives P6 the

one found near the victim and P7 the one taken from the accused both had blood on them. Under cross examination, he stated the accused did not tell him that he was the victim and denied adding anything to the knife in his custody. He was not unaware of the accused being intoxicated and explained that though there was a slight tear in P9, no one will have access to the exhibit as there is a double coating of covering and therefore access is not possible. He admitted no fingerprint analysis was done on the knives nor was the blood samples analysed. He stated if there were finger prints they would have been contaminated by the blood on the knife. He stated that there was a low possibility that the knife with bloodstains found at the bus stop could be a random knife left by someone. He further explained that when a crime scene is cordoned of no other unauthorised persons has access to it.

[16] Dr Sriram Kumar Pugazhanti stated he has been working as a doctor for 13 years in Seychelles. On the said day of the incident, he was on duty at the emergency service. He produced his report P4 in respect of the complainant Brigitte Dubois who he had examined on 26 March 2025 and the medical form issued as P5. His evidence corroborates that of Dr Reydel Henrique Delis Pérez in respect of the injuries sustained and treatment given to the complainant. In her case these injuries were not possibly fatal or life threatening because it did not damage any structures or blood vessels which would have made things worse. Under cross examination he stated he does not know what happened to the patient after she left his unit. As she was more serious than the other male person who was admitted he had attended to her first. To determine whether the wounds were self-inflicted, he would need to have to have a psychiatric report.

[17] Witness Rebecca Jeannevol attached to Anse Aux Pins police station stated on 26 March 2025 she was on duty from 7:00 pm onwards and when on patrol, she got the call about a fight taking place and had to proceed to the scene of the incident at Point Larue / Anse De Genet. She was on patrol with PC Alphonse, PC Laporte as the driver, and SPC Shreshta. She had been trained in First Aid so when she reached the scene, she asked where the casualty was from the daughter of Brigitte. She had gone to house of Brigitte with other officers but there were no indications of a fight inside the house. They had received a call from the command station that the man involved was at the Pointe Larue petrol station.

They had proceeded to the station where they saw the accused who dropped a stick he had in his hand and something metallic. They took him into custody and collected the piece of wood and a knife. Witness identified the accused in the dock as Charles Estico, the person who was arrested by them as the accused in this case. Witness was shown exhibit P7 (b) and identified it as the same knife she saw with the accused. Exhibit P8 (a) was the same wooden stick she saw with the accused. When PC Laporte was talking to the accused, witness heard someone crying out in pain and the sound came from the bus stop. As soon as she reached the bus stop, she saw a lady and there was a lot of blood coming out from her neck. Witness called PC Laporte and told him to bring gloves. She put on her gloves and applied pressure on the left side of her neck but still there was a lot of blood pouring out. She told PC Laporte to hurry and go where she lives and get hand towels. He came back with the towels and witness continued applying pressure with the towels. At the same moment she was applying pressure to her neck, she was also asking the lady questions. The lady seemed drowsy. She was telling witness that she was sleepy but witness told her to not go to sleep. Witness observed on her forehead, there was a large cut, and also on her cheek. She used towels to control the bleeding. The injured person had vomited blood. Witness also observed a knife with a bloodied white handle. Thereafter, the ambulance came and she was taken to hospital, She then gave evidence in respect of the labels marked on the photographs taken and explained each of the labels on the photographs.

[18] Under cross examination, she stated she was unable to say whether the complainant Brigitte was under the influence of alcohol or not. In her reading of the Occurrence Book at the station, she has not come across any entries in respect of the accused and Brigitte Dubois. In respect of Brigitte Dubois and Sharatna Commettant, she has seen entries in the Occurrence Book but could not remember when the entries were made. Witness was unable to say whether the accused was under the influence of alcohol when he said these things. Witness explained that she was under pressure when making her statement because this was her first experience in these sort of cases since she had been transferred. She admitted the accused had told PC Laporte that the virtual complainant had stabbed him and he showed PC Laporte the injury. Witness further stated in her cross examination that they did not cast a blind eye on the accused issues. They did assist both of them in the same way. They were both assisted in the same manner without any malice. The evidence of

witness Jessy Alphonse another constable who was at the scene corroborated the evidence of Rebecca Jeannevol.

[19] The next witness Rene Estico admits he drinks with the complainant but states he went inside his house when they were arguing and did not see the incident. He stated the complainant is often drunk and causes disturbances when she walks around and plays music loudly. He admits he drinks with her but not Toddy. They would sit outside on the chairs and bench in his house and drink together. He further stated when she speaks after drinking, she tends to exaggerate and say unpleasant things. He stated he had not heard the fighting outside as he went in and closed his door when they were arguing. His brother never liked the virtual complainant, he did not know why.

[20] The next witness Ella Kadasami stated she lived in the same compound in a bedsitter. She referred to two earlier incidents where the accused kept insulting the complainant when the accused was drunk. The complainant was silent but he kept insulting her. She had not witnessed the stabbing incident. Even on one of these earlier occasions the accused had threatened to stab the complainant. From the two times that she had witnessed the altercation between the two it was the accused that initiated it because he was the one who always starts the fight with the virtual complainant. She has never overheard the virtual complainant threaten to kill the accused. She referred to an incident in January 2025 where the complainant had hit the accused with a stick after he had continuously insulted her. She denied the complainant attacked the accused even when she was unprovoked by him.

[21] Officer Lina Lawen a police constable attached to CID Perseverance stated she had taken a statement from the accused Charles Estico after cautioning him and informing him of his rights. It was produced as Exhibit P11 and the English translation as P11(a). The voluntariness was not challeneged. The statement was recorded on the 27 March 2025, time 1155 hours. The witnessing officer in the statement was Detective Sergeant Din Fa Ali. Witness read the statement in open Court. She stated the statement was given voluntarily. Under cross examination, she stated she did not omit anything the accused had said. He had not mentioned anything about a scuffle or that they both rolled on the floor. Had he told this she would have recorded it. The accused understood exactly what had been

recorded. In re-examination, she stated that she had never known the accused before. The statement was read back to the accused and he agreed to sign it. She stated by doing so he agreed on what was recorded in the statement. Witness Din FA Ali the attesting officer to the statement corroborated the evidence of this witness and identified the statement and her signature on it. In respect of this case she also had seized a pair of shorts from the accused and identified Exhibit P9 as the seized pair of shorts.

[22] Thereafter prosecution closed their case and the accused was read his rights of defence. He opted to make an unsworn statement from the dock.

[23] In his unsworn statement, the accused states that on the 26th, he had just come from La Digue. He had come on the 03:30 boat to Mahé. He placed his bag at home together with his clothes. He got a call from one of his friend who told him to come down. His friend had cash with him and he told the accused to come and collect the cash from him. When he went back home; he got home around 06:00pm. He was there for some time and then he went to get cigarettes and came back home and that is when he heard that lady say that he got into problem with naming '*Charlie*'. Honestly, he did not know what was going on. He asked his brother because he was sitting in front of the door and she was sitting on the stairs. He was asking why she was naming him. He knows that his name is not Charlie people know him as Charlie. He asked his brother what was going on and he said it is none of his concern. His brother was telling to not disturb her and to not bother himself with her. He ate and went to his bed. Up until 8:00-9:00pm, she was still insulting him that, '*I will kill you Charlie*'. She was swearing his mother's name saying that she will break the cunt of his mother. His brother had left to his partner's place and she continued insulting him. He had just finished eating and was on his bed when she was shouting. He asked her, '*why are you swearing at me, what did I do to you?*' she said that, '*you hear me talking, why are you interfering when I am talking?*' and he said, '*because I heard you named 'Charlie' and I am asking why are you naming my name?*'. That is when the problem started and she started swearing at him from 11pm to 12 and they were arguing, the both of them, back and forth. She said that, '*if you are a man, come outside and come fight me. I will break the cunt of your mother with a knife and a piece of wood.*' He was there, he did not expect her to come inside with the piece of wood and the knife. He pushed her and as he was

coming outside the both of them, they fell on the ground and rolled on the ground. At the same time that they were rolling on the ground is when she stabbed him with a knife and he took the knife from her. That was first thing he took from her; the knife.

[24] As they were rolling on the ground, the knife had cut him on his hand as well. As he took the knife from her, she was grabbing the knife as well and in the rolling around action was when the knife stabbed her. He heard her saying to her daughter, '*Charlie has kicked me with his foot*' and he said, '*I did not kick you*'. They were there, they were still rolling around on the ground with the knife. He did not cut her. When they were rolling on the ground was when the knife cut her.

[25] As he was going inside of his house, he felt something stab him in his back and that is when he said, '*you stabbed me again?*' he showed it to her daughter and he said, '*look what your mother has done. She stabbed me.*' He went down and phoned the police. When he reached next to the road, he had the knife and the piece of wood in his hand and that is when the police told him to drop both of the items on the ground. He placed the items on the ground near the bus stop and he sat under the bus stop. He turned to his right and saw where she was sleeping under the bus stop. He told the police that he had phoned the ambulance and when the ambulance arrived, he told them to take her that he will go afterwards. When he phoned the ambulance, they told him that they are coming back for him to wait for them. Then he was taken to the hospital and had left the hospital at around 12:42 in the morning. He was placed at the Anse Aux Pins Police Station and then they were informing him that he had stabbed the lady and cut her and he told them that he did not stab nor cut the lady. They were rolling around on the ground and that is when the cutting and stabbing happened.

[26] In January he stated what happened was she had had hit him with a stick. She had drunk her alcohol and she said look at this black man from Swahili. She was insulting him and he told her, '*why are you calling me black man from Swahili? Are you not a black man from Swahili yourself?*' she was insulting him and he replied as well to the insults. He told her that she gave birth to a child whom she doesn't know who the father of her child is. Misel had to take the child from her. He used to hear that same man complaining about her saying that, '*now she has left the child with me and now I have to take care of the child*

myself and she has gone away.' She said that, '*if you are a real man, come outside.*' His brother told him not to go outside but he went through the kitchen door to go outside. He went to her daughter's house and that is when she hit him with a stick. As she was hitting him with the stick, he grabbed the stick and fell down. He got up again and she hit him on his head. That is when he went home. He did not bother himself with her again. She said, '*I will kill you if you don't stop.*' He stated that is what happened in January. He did not bother himself with her again until the other incident happened.

[27] Thereafter the accused called Herman Barbe aged 75 years. He referred to the complainant as a persons who is an alcoholic and causes trouble. She had earlier slapped him. Later on she had stabbed him above his eye. He said it affected his vision and he cannot see with that eye. He was released on the same day from hospital. He stated this happened around 5 years ago.

[28] Thereafter the defence closed its case and both parties made submissions.

Analysis and Findings

[29] Having thus carefully considered the evidence of the prosecution and the defence and the submissions of both parties, this Court will first proceed to consider the defence of the accused. The accused main defences are that the complainant cut herself with her own knife during the scuffle that occurred between the two and that he had not cut her but in the scuffle she had inflicted the injury on herself with the knife, she had brought to the scene. His other defence is that he was acting in self-defence based on the same evidence.

[30] At the very outset, this Court finds that the evidence given by the accused in his unsworn statement in defence is sharply contradictory in nature with his own statement given to the police which was marked by the prosecution as P11. In his statement P11(a), he states *"I took the same knife which she had stabbed me with and started to stab her in different places on her body and I also took the piece of wood from her and hit her on different places on her body too"*. This, as pointed out by the prosecution is a complete contradiction to his unsworn statement from the dock, where he claimed that the complainant Brigitte was injured whilst they were rolling around on the ground. It is clear that the accused has

changed his evidence in respect of his defence which is serious. The accused may have different defences in law and fact but he cannot keep changing his evidence to suit these defences as he ruins his credibility. I am inclined to agree with learned Counsel for the prosecution that the evidence on record establishes that the defence is not credible as the accused has tailored his defence evidence to fit a defence, after he had time to reflect on the evidence against him. I also observe that although the accused states one knife was used I am unable to believe him in this respect. The police who arrived soon after the incident took into custody two knives, one found near the victim who was fallen on a bench bleeding profusely in the bus stop and the other knife was in the possession of the accused when he was arrested, soon after the incident, at the Point Larue petrol station. The evidence of police officer Jeannevol affirms this fact. Both knives had red substance according the exhibit chart P3. The evidence of police office SI Bistoquet confirms this fact which supports the evidence of the complainant that two separate knives were used by the parties.

[31] Further, this Court observes the complainant in her evidence stated after he stabbed her, she stabbed him in the back. This is corroborated by the accused in his own unsworn statement when he stated after the scuffle in which she sustained her injuries, when he was going away she stabbed him in the back. Although he states in his unsworn statement that she had stabbed him whilst rolling on the ground, it is clear from the medical report of the accused D2 that no injury was caused. The report D2 refers only to the stab injury on the back of the accused. The other injuries referred to are an abrasion to the head and bruises to head. The mere fact that it was the victim (a lady) who hit him first with a stick, does not give the self-defence right to the accused to stab her repeatedly with a weapon like a knife. This is excessive.

[32] In 2008 Archbold Criminal Pleading Evidence and Practice at [19-41], the essential elements relating to self- defence are set out in the case Palmer v R [1971] AC 814. (which is also referred to in our law in the cases of Barra v R (SCA 21 of 2012) [2014] SCCA 36 (12 December 2014) and Sidonie v R (SCA 14 of 2010) [2010] SCCA 16 (10 December 2010).

"It is both good law and good sense that a man who is attacked may defend himself. It is both good law and common sense that he may do, but may only do, what is reasonably necessary. But everything will depend upon the particular facts and circumstances. Of these a jury can decide. It may in some cases be only sensible and clearly possible to take some simple avoiding action. Some attacks may be serious and dangerous. Others may not be. If there is some relatively minor attack, it would not be common sense to permit some act of retaliation which was wholly out of proportion to the necessities of the situation. If an attack is serious so that it puts someone in immediate peril, then immediate defensive action may be necessary. If the moment is one of crisis for someone in immediate danger, he may have to avert the danger by some instant reaction. If the attack is over and no sort of peril remains, then the employment of force may be by way of revenge or punishment or by way of paying off an old score or may be pure aggression. There may be no longer any link with a necessity of defence. Of all these matters the good sense of the jury will be the arbiter. There are no prescribed words which must be employed or adopted in a summing up. All that is needed is a clear exposition, in relation to the particular facts of the case, of the concept of necessary self-defence. If there has been an attack so that defence is reasonably necessary, it will be recognized that a person defending himself cannot weigh to a nicety the exact measure of his defensive action. If the jury thought that in a moment of unexpected anguish a person attacked had only done what he honestly and instinctively thought necessary, that would be the most potent evidence that only reasonable defensive action had been taken, The defence of self-defence either succeeds so as to result in an acquittal or it is disproved, in which case as a defence it is rejected." (Emphasis added).

[33] This Court also observes in his statement under caution the accused states he held the knife but she pulled the knife from him and stabbed him in the back. He then states he took the same knife from her and began to stab her on different places on her body. It is clear the moment he wrested the knife from her the right to self-defence ceased, as there was no reasonable necessity for him to stab her several times thereafter, as the threat to life had ceased. It is the accused who states that throughout, only one knife was being used.

[34] Giving due consideration to the facts as set out by the accused in his version of this case, I am of the considered view the injuries inflicted by the accused on the victim are wholly out of proportion to the necessities of the situation.

[35] For all the aforementioned reasons, this Court therefore comes to the conclusion that the accused defence of self-defence fails. According to the facts peculiar to this case this defence is not acceptable and cannot be used as a defence to stab the victim in the brutal manner depicted in the medical evidence.

[36] I also observe that both doctors in their evidence stated that the wound on neck and under the armpit were not self-inflicted as they had penetrated deeply, one injury even piercing the lung. Both doctors clearly state that their findings were that the injuries were not self-inflicted, as there was no psychiatric report to say she was suffering from any mental deceased or any evidence that she attempted suicide. Only the superficial laceration on the cheek could have been caused in a scuffle. On this basis, this Court is satisfied that the deep penetrative injuries in the neck and under the armpit was caused by deliberately using force in stabbing the victim, in order to cause serious or grievous injuries on her. This Court therefore is satisfied that the evidence of the complainant is corroborated by the independent medical evidence and the evidence of the officers who arrived at the scene and further supported by real evidence, namely the exhibits in the case.

[37] When one considers the evidence of the complainant, she honestly states she bought a stick and knife to fight the accused after being kicked by him. She admits she is an alcoholic and was drunk that day and she hit the accused with a stick as he had kicked her and after that the stabbing took place. She admits she was also swearing at the accused prior to and after being kicked by the accused but this does not give him a right to inflict deep penetrating stab injures on her neck and under her armpit extending to her lung. His intention to inflicted grievous harm is clear from the serious injuries inflicted on the complainant in vulnerable areas. His words after the incident *"I've stabbed her, its done,"* also clearly indicate what his prior intention was. Although it is clear from the evidence of the victim that she hit the accused first with a stick, she had done so because the accused had kicked her when she was seated on the steps swearing at him.

[38] It appears after listening to the unsworn evidence in court the accused has decided to recall and modify the events of that day to suit his defence but ended up contradicting his statement under caution. In comparison to his evidence, I find that the evidence of the prosecution witnesses is corroborative in nature and independently corroborated by the medical evidence and the evidence of the police officers. This Court for all the aforementioned reasons will proceed to accept the evidence of the prosecution and reject the evidence of the accused. On perusal of the evidence, this Court is satisfied that the prosecution has proved all the elements of the offence in Count 1 i.e. that the accused with intent caused grievous harm to the victim Brigitte Dubois beyond reasonable doubt.

[39] As the prosecution has proved all the elements of the charge in Count 1 beyond reasonable doubt, I proceed to find the accused Charles Estico guilty of the charge contained in Count 1 and proceed to convict him of same. No order is made in respect of the alternative Count 2.

Signed, dated and delivered at Ile du Port on this 11 day of September 2026

11-09-2026

Burhan ACJ

SEAL OF THE SEYCHELLES SUPREME COURT