SUPREME COURT OF SEYCHELLES

Reportable/Redact
CO 24/2024

In the matter between:

THE REPUBLIC **Prosecution**
(rep. by Kimberley Doffay)

and

J G **Accused**
(rep. by Clifford Andre)

Neutral Citation:	*The Republic v J G* (CO 24/2024) (16 October 2026)
Before:	Burhan J
Summary:	Sexual Assault
Heard:	11.04.2025, 17.04.2025, 26.05.2025, 28.11.2025, 12.03.2026, 13.04.2026, 05.05.2026, 20.07. 2026.
Delivered:	16 October 2026

ORDER

This Court is satisfied that the prosecution has proved all the elements of the charge contained in Count 1 beyond reasonable doubt and proceeds to find the accused guilty as charged and convict him of same.

JUDGMENT

BURHAN J

[1] The accused JG stands charge as follows:

Count 1

Sexual Assault contrary to section 130 (1) read with Section 130 (2) (d) of the Penal Code and punishable under Section 130 (1) of the same (Cap 158).

Particulars of offence are that, JG a 59 year old, [redacted] *residing at* [redacted] *on the day unknown to the prosecution during the month of January 2023 at* [redacted] *sexually assaulted GL aged 14 years by penetration of a body orifice for a sexual purpose namely, inserting his penis in the vagina of the said GL.*

[2] The accused denied the charge and the case proceeded to trial.

Case for the Prosecution

[3] The prosecution opened their case by leading the evidence of the virtual complainant (complainant/victim) GL.

[4] GL stated that in August 2022 she was staying with her father a[redacted] and schooling and working part time at [redacted] She used to see the accused JG on the road on her way to school. In the month of January 2023 when she was on her way to school in the morning, she had seen him and he had greeted her and asked her if she had a SIM card in her phone. When she had answered in the negative, he had offered to buy one for her. Thereafter, sometime later, a security guard had given her an envelope and in it was a SIM card with a number and a SCR 100 note. After receiving it, she had put it in her phone and called a friend in Mahe. The accused had contacted her on the phone and informed her he had put credit on her SIM card. He had phoned her identified himself and asked if she was going to church, she had replied she was not feeling well. He had then asked her if she was going to the beach and she replied no because it was raining. He had asked when he would see her to taste her vagina. She had not replied. She had then told him that she was on a call with her cousin and then he had cut off and she continued talking to her cousin on the phone.

[5] On the day of the incident, she states she was on her way to church and had stopped at the STC supermarket in [redacted] to buy a bottle of water, when she saw the accused outside the shop. She had told him she was going to church and he had asked her if she could pass by after church. After going to church, she had taken the [redacted] and gone to his house at [redacted] She knew where the accused was staying because at one time when she was passing by his house, she had seen him looking at them from his window. The accused

was at home alone and on seeing him, she had gone inside the house and he had made her lock the door and then made her sit on top of him. They were alone in the living room and he had started kissing her in the corners of her neck. He had taken her into the room and he had placed her on the bed. He had gone over to her and kissed her on her mouth and everywhere and touched her on her vagina. She prevented him from touching and then he asked if he could put it in his mouth. She said no.

[6] The complainant described the incident of sexual assault in detail. It is clear from her evidence that the accused had kissed and touched her vagina and using a Durex, he had placed his penis inside her vagina and had sex with her. She had tried to stop him but he continued what he was doing. He had not done it for long and when he stopped, she had dressed and gone home.

[7] Witness further stated she could not recall what month it occurred as she was 14 years old at the time. She did not tell anyone about what happened. In February the same year, she received a call and was requested to come to the Community Centre. She went and the Social Service Officer was present alongside her father. She gave a statement as to what had happened between her and the accused. She thereafter went to the hospital on Praslin to do tests. She further stated that she could not recall how long after the incident she had gone to the hospital. Witness identified the accused in Court and stated that her date of birth is 18 May 2009.

[8] Under cross-examination, she stated she had given a statement to the Social Services but the police were not present. She could not recall the date she gave the statement. In the statement that she gave, she had said that during the month of January 2023, on a Monday morning, she had gone from the shop to school and had received from a security officer named [redacted] an envelope which contained the SIM card and money. She denied the suggestion that the Monday was the 30 January 2023 as she could not recall the date. She further stated she could not recall if the accused had contacted her on Saturday, 28 January or 04 February 2023. She stated her father took the phone from her on the 04 February 2023 to see who gave her the SIM card and then returned the phone to her but she could not remember the date he returned it to her. He had taken back her phone when he heard

about the incident. She denied the suggestion that she could not remember the dates, as nothing had happened to her.

[9] Under further cross-examination, she further stated that her father worked at [redacted] and it was her uncle who made arrangements for her to get a part-time job at [redacted]. She did part-time work as a Waitress in the restaurant. It was suggested to her that she could not have been in possession of the SIM card on the 14 January 2023 as mentioned in her statement, as the SIM card had the initialization date as 27 January 2023. The complainant replied she could not remember the exact dates. The proceedings indicate that learned Counsel for the accused indicated to Court that he would call witnesses from Cable and Wireless to establish the initializing date but failed to do so.

[10] GL further testified that she only gave one statement to Social Services but she could not recall the other statement, even though she had mentioned another statement was recorded from her on 22 March 2023. She maintained that she recalls giving only one statement. She denied the suggestion that she was told to give the said dates. GL denied that she had to leave [redacted] due to the sexual activities she was having. In re-examination she stated that at the time of giving her statement the incident was not fresh in her mind.

[11] The next witness called by the prosecution was the father of the complainant KL who testified that GL was his daughter and that she was born on 18 May 2009. The birth certificate was produced as Item 1. He stated he was employed at [redacted] In the month of January that year (2023), his daughter had called him on a number. The first thing he asked her was whose phone she was using, as he had not purchased a SIM card for her, as he did not want her to have one. She had stated the accused JG had given it to her. Witness approached the accused and asked him if it was true that he was the one who had given her the SIM card. The accused admitted he had and stated he gave it as she was interested in becoming a Chef and he wanted her to be a good Chef. Witness stated he took the SIM card that was in her phone and put it in his.

[12] KL further stated that on 04 February when he was going home from work at around 7:00 in the evening, he received a phone call on that number. The number was [redacted] and when he answered the call the person at the other end only listened to him. When witness

reached his cousin's house where there were two ladies, he made one of them call back the number as he felt if a girl spoke, the person would respond. He had put the phone on speaker so all could listen. He had told the lady who took the call, to ask the person who answered the call what he was doing. The lady had done so. The person had replied he was working. As witness wanted to know who it was, the person who answered the phone was asked to come by the stairs at Eric Jacques place which was on the road to Belle Vue and the person agreed.

[13] Around 15 to 20 minutes later the person arrived and from their hiding place they saw him waiting impatiently. Witness had recognised him as the accused and approached him and asked "JG you were looking for GL? You thought GL was the one meeting you?" It seemed that the accused, JG did not expect this and was shocked. JG was wearing his work uniform. When the accused was leaving, the police was passing by and witness got assistance and made a complaint the same day. He went the next day to verify whether the status of his complaint.

[14] After this incident, when he reported to work, the accused was aggressive towards him at the work place. He told KL that he would kill him and that he could have killed him since Saturday evening. Witness left work and went back to the police station to file another report. For five days he did not go to work because the accused told him that he did not want to see him in his kitchen. KL went to the HR in the office and HR told him to let five days pass and then the HR would see in what field he could be put to work in.

[15] In relation to the case regarding his daughter, after he lodged the report to the police, he followed it up by informing the Social Services and Child Protection Services. His daughter had given a statement at the Social Services branch on [redacted] and this was done in the presence of Social Service Officers and the police. As a follow up, an appointment was given for his daughter to be examined by a gynaecologist in Praslin. The social worker informed him that his daughter was no longer a virgin.

[16] The next witness called by the prosecution Angelique Azemia, a Social Worker in the Child Protection Unit. She stated that she is based in Baie St. Anne district and that the virtual complainant was referred to the Child Protection Unit by a social worker based in the

district in [redacted] because she had disclosed that she was sexually involved with the accused. She had investigated the case and her first statement was taken on 16 February 2023 and another on 22 March 2023. Thereafter, a medical examination was done at Baie St Anne Praslin Hospital in the presence of the social worker and the complainant's father. On 22 March 2023, the complainant revealed that she was sexually involved with the accused. She explained that on the 14 January 2023, after mass, she had gone to the accused's place and that is where the sexual relationship happened. Ms Azemia had accompanied the complainant to the medical examination and the doctor had informed her of his findings. The complainant was thereafter provided counselling. She stated that a police officer was present during the recording of the statement.

[17] Under cross-examination, Ms Azemia affirmed that only two statements were taken from the complainant. She referred to the dates as 16 February 2023 and the 22 March 2023. During both statements, Corporal Athanase and the complainant' father were present. During her first interview she had not mentioned about any sexual activity but mentioned she knew the accused since August 2022. After counseling sessions with the victim, they did find it necessary to take another statement from her. The complainant had admitted that even before having sex with the accused, she had been sexually active. Ms. Azemia stated that during counselling sessions, her father would sometimes sit outside. She was unable to say how many times as she had not brought her notes with her. The number of times the father was outside while the child was being counselled is not out of the ordinary, as counselling a child who is abused is part of the duties of the Social Services.

[18] Dr Maxwell Fock-Tave stated that he had been working as a Gynaecologist at the Seychelles Hospital, and had 28 years' experience. He stated he has given evidence in Court several times and his expertise has been accepted by Court. He testified that on the 23 March 2023, he was working in a clinic at Baie Ste Anne Hospital on Praslin and had examined a child by the name of GL. He had thereafter prepared a report P1. He read out the contents of the report. The significant finding is that the hymen is ragged and not intact and this means that there has been a penetrating activity in the vagina in the past. Under cross-examination, he admitted that it is not possible to tell when or how far in the past the penetrating activity had happened.

[19] Ms. Elna Dubel from the Department of Civil Status Seychelles, stated she has been working as a Senior Civil Status Officer for the past three years. Her duty entails registration of birth, death, marriage, divorce, adoptions on a daily basis and to attend Court cases. She has given evidence before on behalf of the Chief Officer of the Civil Status. She identified the birth certificate of the complainant marked as Item 1 and formally produced it as Exhibit P2. Under cross-examination, she confirmed to Court that she had come on a summons received from Court. She produced the birth certificate obtained by her and in her possession as P3. Though cross-examined at length on the authenticity of the document, the absence of a Rs 50 stamp, the signatures and differences in documents P2 and P3, this Court is satisfied beyond reasonable doubt that the said birth certificate is authentic. This Court is satisfied that it is confirmed from her evidence that the said certificate was issued from the Praslin office of the Civil Status for Official purposes, has a seal from the Seychelles Civil Status Praslin and has been signed by an authorised officer of Civil Status. This evidence clearly establishes that the child was 13 years of age, a minor at the time of the incident.

[20] Thereafter the prosecution closed their case. The defence opted to give evidence under oath.

Case for the Defence.

[21] The accused JG, testified that he was born in 1963 and that he is working at [redacted] and lives at [redacted] He stated on Saturday the 14 of January 2023, he was 'fully' working in the hotel where he is employed. His scheduled time for working, was "from 8:00 to 4:00 and then coming back 7:00 to 10:00." On that day, he had finished work and gone to meet his ex-wife to take his son home. He stated that he has been to the shop that the complainant mentioned in her statement a few times however, not at the time she says she saw him. On that particular day, he left work at 4.00 pm and went to collect his son at [redacted] because it was the rule of the Family Tribunal that he gives his son to his ex-wife between 8:00 to 4:00. After 04:00, he takes his son. It is a 20 minute walk. He stated he uses a bicycle to go to work and back and from

his work place to pick his son and drop him where his girlfriend BT lives. The allegation made by the virtual complainant that she came to his house is not true.

[22] Under cross-examination, he admitted he was working as a [redacted] In August 2022, he was still a [redacted] During his period of work as a Chef he admitted seeing the complainant at the Lodge and talking to her. He admitted giving a SIM card in an envelope to one [redacted] but states he asked her father's permission prior to doing so and gave it to her as she was learning to be a Chef. The father's evidence however does not support his evidence on this issue. He further stated that he spoke to the complainant because she was learning tourism. The card was given, so that he could send her projects via mail because she had a phone but no SIM card. He stated that he does not remember, if at any point in time he called her but remembers that she texted him talking about the lesson and her project. The accused stated that he is being truthful and denied ever going to Belle Vue or having a confrontation with the father of GL there. He admitted that there was Saturday mass at 4.00 pm and Sunday at 9.00.am. He does not know his ex-wife's schedule because they are not together. His current girlfriend works every day from 6.00 am to 2.00 pm and during that time, she would not be at home. She is a Chambermaid. He denied having sexually assaulted GL and admitted the SIM card was not given in his official capacity and not from the Lodge but the SIM he gave her belonged to him which he was not using. He stated he would take only Sunday off. He denied he was lying to the Court. He stated that he never sexually assaulted the complainant. In re-examination he stated on Saturday church would finish at 5.00 pm and by 5.15 pm he would be at home with his son and girlfriend.

[23] The next witness called by the defence, the girlfriend of the accused BT stated she was working at the [redacted]. She lives at La Passe with the accused and has been in a relationship with the accused for six years. Every day, she works from 6:00 am to 2:00 pm including Sundays. On Saturday 14 January 2023, she had worked from 6:00am to 2:00pm thereafter she had gone home. She stated she travelled from home to work i.e. from [redacted] by bicycle that usually takes 5 to 6 minutes. On Saturday 14 January 2023, she finished work at 2:00 pm and went directly back home. During that time, there was no one at the house. The accused arrived home around 4:35

pm. He had come with his son. After that they stayed at home did their chores and sat down and talked.

[24] Under cross-examination, this witness testified that she finishes work at 2.00 pm and there has never been a time where she had to do duty after 2.00 pm. She now knows the complainant. She denied she had come to Court to defend the accused because she was in a relationship with him. She further stated that she has no reason to lie because this is her daily routine after work. She has never gone to pick up the son of the accused at any point. For the past six years, she has always remained in the house of the accused. She denied the suggestion she was not with the accused on that day and time. She would always arrive home around 2.00 pm.

[25] Witness Miss Juanita Rouillon, an Assistant Registrar based in the Family Tribunal Enforcement Section produced an order dated 04 September 2020, signed by the Assistant Registrar, Mr. Archille Labanotis. The order was marked as Exhibit D1. Ms Rouillon proceeded to give details of the order. The Order gave custody of the minor child to the accused. She read out the details in Exhibit D1. She explained that the order gave ST alternate day access on weekends which means every second weekend. Witness admitted that there would have been weekends that the son of the accused would not be with him and with the mother. She also stated access would be on a Saturday or a Sunday not the full weekend.

[26] The final witness for the accused [redacted] stated that he worked at [redacted] Lodge as a HR consultant. He stated he knows the accused and he works as a Sous Chef. He gave evidence of the work times of the accused on 14 January 2023. The accused schedule in the morning was from 8:00 am to 4:00 pm and because he is a Sous Chef, he is the one in charge of the dinner service as well. Therefore, he would come back at 7:00 pm until 10:00 pm to oversee the dinner service. On that day 14 Saturday 2023, his work times were 8:00 am to 4:00 pm and then 07:00 pm to 10:00 pm. Witness confirmed that the accused was at work on the 14 January 2023. There was no reports of absences on that day for him specifically. He could not recall if on any other day in January 2023, the accused was absent from work.

[27] Thereafter, the defence closed its case. Both parties tendered written submissions.

Analysis and Findings

[28] Having considered the evidence before this Court, it is clear that the main defence of the accused is that he denies committing sexual assault on the complainant and states he was at work on the day of the alleged assault 14 January 2023. He returned from work on the said date accompanied by his son and his girlfriend who were with him at home thereafter. He states the complainant's version that he sexually assaulted her in his own house is a lie.

[29] This Court first observes that the prosecutions' case never rested on the fact the incident occurred on the 14 January 2023. Learned Counsel for the defence on his own volition came to that finding. The case for the prosecution as set out in the charge sheet dated 30 April 2024 is that the incident occurred *"on a day unknown to the prosecution during the month of January 2013."* What is material to this Court is the date or time period set out in the charge sheet. In this background, the defence holds no merit as the prosecution's case is not grounded on the basis that the incident occurred on the date referred to by Counsel 14 January 2023. The entire defence therefore fails.

[30] Learned Counsel for the defence further confuses the matter when he states in his submissions at page 2 *"she stated in a statement given on Wednesday 22 March 2023, that the incident happened on Saturday 24 January 2023."* This Court observes that learned Counsel however has led the evidence of three witnesses in defence based on his own assumption that the incident occurred on 14 January 2023, a date on which the charge sheet is not confined to. Therefore, this Court is of the view that the entire evidence brought by the defence has no basis and no merit in the case against the accused. It is to be observed that no statements were produced and contradictions marked in support of the defence for Court to clarify the aforementioned discrepancies.

[31] The next contention raised by learned Counsel for the defence is that though the complainant stated several calls had been placed by the accused to the complainant, the prosecution failed to produce telephone records to establish it. It is clear from the evidence of the complainant that it was the accused who had given his extra SIM to her. The accused

accepts this fact. Together with the SIM was a SCR 100 note. Prior to this the accused had met her and asked her whether she needed a SIM and thereafter sent it through another individual. The father of the accused gave evidence that after he took the SIM from his daughter a person had called the SIM and when he answered, the call had been cut off. The father had taken the phone to a relatives place and got a lady to call back the same number and tell the person at the other end to come near the stairs of [redacted] place on the road to [redacted] The person who answered the phone had said he was coming. They had laid in wait for him. The evidence of KL establishes, it was the accused JG who had come to the place where the rendezvous was arranged. This evidence clearly establishes the accused had called the complainant, when her SIM was in the possession of her father. This evidence was not challenged by cross-examination. This Court therefore cannot accept the defence contention that the accused never called the complainant. It is clear that giving the SIM plus SCR 100 to a minor child, in addition putting credit to her SIM was the start of the grooming procedure the accused adopted. The telephone conversations that followed as described by the complainant, affirms this fact. In the light of this evidence and the fact that the accused did not deny he gave the SIM, the necessity to produce telephone records does not arise.

[32] It is also clear from the above evidence that the excuse given by accused that he gave her the SIM to teach and train her for the job of Chef and tourism is unacceptable. This Court is satisfied that the accused who admits he was born in 1963 (59 years of age at the time of the incident)) by giving a SIM to the child GL, SCR 100 cash and providing credit to her was clearly in the process of grooming her. This is affirmed when one considers her evidence that thereafter the accused phoned her and asks her if she was going to church: if she was going to the beach and when he would see her to taste her vagina. This Court is unable to accept the contention of learned Counsel for the accused that this evidence is false. The accused accepts giving her a SIM. It is proven by the father's unchallenged evidence that it was the accused who had phoned his daughter when the phone was in his possession. I therefore proceed to accept the prosecution evidence on all these issues.

[33] The next contention of the defence is that the complainant identified the accused only in a dock identification. It is the contention of learned Counsel for the accused that the police

should have done a photo identification and the failure to hold an identification parade is fatal to the prosecution case. In this instant case, the complainant knew the accused as both were working in the same hotel, she as a Waitress and the accused a Chef. She knew the accused well as she would see him daily at work. At the time of the sexual assault the accused was in a room with her in close proximity for a period of time. I see no merit in the contention that the failure of the police to hold an identification parade is fatal for the prosecution case. Identification parades are held when the victim has seen the suspect but does not personally know the suspect and not in cases where the accused and the victim are well known to each other by name and meet each other regularly at the same work place.

[34] The defence next contention is that the matter was not reported to the police nor a statement taken by the police. It is to be observed that the evidence of Angelique Azemia, a Social Worker in the Child Protection Unit which is a Unit of the police to protect abused children states in her sworn evidence that at the time of taking of the statement of the complainant, Corporal Athanase was present. The complainant's father's evidence corroborates same. I see no reason to disbelieve this evidence.

[35] The next ground argued by the defence is that evidence of the complainant cannot be believed as she does not specify a date or has given a wrong date. The case of R v Dossi (1918) 13 Cr App R 158, held that " *From time immemorial a date specified in an indictment has never been a material matter unless it is actually an essential part of the alleged offence. And although the day be alleged, yet if the jury finds him guilty at another day the verdict is good, but then in the verdict it is good to set down on what day it was done in respect of the relation of the felony; .... It follows, therefore, that the jury were entitled, if there was evidence on which they could come to that conclusion, to find the appellant guilty of the offence charged against him, even though they found that it had not been committed on the actual day specified in the indictment.*"

[36] It is the considered view of this Court that the prosecution, on consideration of all the facts set out in the investigation are free to decide on whether a specific date should be put in the charge sheet or not. If there is doubt as to the correctness of the date, then the

prosecution is free to set down the time period within which the offence was committed as often happens in cases of this nature. In this instant case, the prosecution cannot be faulted for putting the period of time as *"on a day unknown to the prosecution during the month of January 2013."*

[37] When one considers the evidence of the accused, he himself states that church is on Saturdays at 4.00 to 5.00 pm. The accused and his witnesses' state the working hours of the accused were 8.00 to 4.00 pm and 7.00 to 10.00 pm. Even if one is to take the date assumed by learned Counsel for the defence 14 January 2023 (Saturday) on which he bases his defence, this would mean that she could have gone after church concluded at 5.00 pm to the house of the accused between 5.00 and 5.30 pm. It is clear from the evidence of the accused and his own witnesses that the accused was never at work between 5.00 and 5.30 pm. and therefore would have had ample time commit the offence in his house. It is clear to this Court that his girlfriend attempts to shield him by stating on the 14 January 2023, she was in the house with the accused and his child and no one came. It is clear his girlfriend BT is attempting to defend the accused because of the relationship between them. She goes to the extent of stating that for the past six years' her daily routine has been to always remain with the accused in the house and she would always arrive home after work at 2.00 pm and be with him. I am unable to believe her evidence that she had such a rigid routine for six years without any variation or change. Further, document D1 marked by the defence which is a copy of the Tribunal Order dated 4 September 2020, clearly indicates at paragraph 2, that ST shall have alternate day access on the weekends with the minor child. Therefore, there would have been weekend days in a month, where the child of the accused would have been with the mother ST and not with him. This Court is in agreement with the prosecution that both the accused and his girlfriend were unable to confirm which days in the month of January 2023, the son of the accused would have been with the mother in accordance with the Family Tribunal order.

[38] The defence has not alleged any reason or motive why this minor child should want to give false evidence against the accused in respect of the phone calls and the actual incident. Even the father of the victim had no reason to coach his daughter to concoct a story, as at the time the accused groomed her and thereafter sexually assaulted her, he was on good

terms and working with the accused. Even the accused has not alleged any long-standing ill feelings between him and the complainant or her father. The father like any father became angry with the accused and confronted him, only after the call came from the accused on his phone and after seeing the accused near the stairs of Mr Jacques house. Further, this Court observes that the intricate details and description given by the complainant victim of the sexual assault committed on her indicates that she was not coached or has made up a story against the accused. None of the details of the sexual act were challenged during cross-examination.

[39] It would be pertinent at this stage, to refer to the case of TZ v R (SCA 10 of 2016) [2017] SCCA 42 (December 2017), where the Seychelles Court of Appeal referred to the case of Browne v Dunne (1893) 6 R.67 (House of Lords Rule 1 January 1893) when dealing with the question of failure to cross-examine on material issues. It was held as follows:*" It was a rule of professional practice and essential fair dealing with the witnesses that if, on a crucial part of the case, a party intended to ask the jury to disbelieve the evidence of a witness, that party should cross examine that witness or at any rate make it plain, while witness is in the box, that the evidence was not accepted. If the party failed to do that, then he would not be allowed in his address to the court to rely on that argument at all."*

[40] This Court is satisfied that though cross-examined at length on other matters, the complainant did not contradict herself in her evidence with regards to the act of sexual assault she was subjected to by the accused and its place of occurrence. Her inability to recall the date, remembering the presence of a police officer when giving her statement, not recalling seeing a doctor, delay in giving a statement and fearing to disclose anything before her father and other minor inconsistencies in her evidence are excusable considering the continuing trauma and distress an abused child experiences. The case of TZ v R (SCA 10 of 2016) [2017] SCCA 42 (December 2017) distinguished between a material inconsistency and one which is not material, "*Inconsistencies must, therefore, be measured by the yardstick of seriousness and materiality which must be linked with the overall issue of truthfulness. Not every inconsistency is serious and material, and inconsistencies need not affect per se the appreciation by a trial court that a particular witness's testimony is true.*"

[41] Having carefully considered the totality of her evidence, even that tested in cross-examination, this Court is satisfied that the complainant has given credible, consistent and a very intelligible account of how, where and by whom the offence was committed. This Court has also carefully observed her demeanour and candour and is of the considered view that despite the excusable and non-material inconsistencies in her evidence set out above, the complainant is a witness of truth and her evidence is trustworthy. Moreover, she clearly had no motive to lie and falsely implicate the accused. Woji v Sanlam Insurance Co Ltd 1981 (1) SA 1020 and R v Manda [1951 (3) SA 158 (A).

[42] In the case of Lucas v R SCA (2011) SLR 313, it was held that corroboration of the evidence of the prosecutrix is not a legal requirement for judicial reliance on the testimony of the prosecutrix. It was further held by the Seychelles Court of Appeal that in order to look for corroborative evidence, *"there would need to be an evidential basis for suggesting that the evidence of the witness might be unreliable. Such a basis does not include mere suggestions in cross-examination by counsel."* Having considered the evidence of the complainant/victim this Court is of the view, that in this instant case, there is no evidential basis to suggest that the evidence of the victim is unreliable and therefore the need to look for corroboration does not arise.

[43] In passing, it would be relevant to mention at this stage several details of the complainant's evidence stand corroborated by the admissions of the accused and the evidence of her father. The medical evidence too supports penetration during the act as described by the complainant in her evidence. This Court is in agreement with the prosecution that considering the age of the complainant consent is not a defence and her past sexual activity does not assist the defence of the accused. For all the aforementioned reasons, this Court proceeds to accept the evidence of the complainant and for reasons given herein rejects the defence of the accused.

[44] This Court is satisfied that the prosecution has proved all the elements of the charge contained in Count 1 beyond reasonable doubt and proceeds to find the accused guilty as charged and convict him of same.

Signed, dated and delivered at Ile du Port on 16 October 2026.

16 - October 2026

M Burhan J