

IN THE SUPREME COURT OF SEYCHELLES

Criminal Side: CO51/2013

[2016] SCSC 1072

THE REPUBLIC

versus

HANSEL LESPERANCE & ORS

Accused

Heard: 21 November 2016
Counsel: Mr Esparon , Principal State Counsel for the Republic
Mr. Chetty for the 1st accused
Mr. Gabriel for the 2nd accused
Mr. Camille for the 3rd accused
Mrs. Amesbury for the 4th accused
Ms. Domingue for the 5th accused
Delivered: 21 November 2016

RULING

Akiiki-Kiiza J

- [1] The prosecution sought this Court's order to break open Exhibit 11, which is said to contain money recovered during the investigations.
- [2] The defense, through Mr. Camille, objected to Court making such order on the ground that the Court should not assist the prosecution in this regard to proving its case.

- [3] I have carefully considered the evidence on record, and the prosecution has shown to the satisfaction of the Court that, the chain of evidence regarding the movement of the Exhibit 11, has not been broken.
- [4] Mrs. Gopal (PW20), has told Court that she was the one who had locked Exhibit P11 with 2 new padlocks, and put had a red plastic tape on the 2 buckles and the yellow and black Police tape around the four sides of the box. Thereafter it was delivered to the Central Bank and handed over to PW14 who said they kept the box as it was delivered to them by Barclays's Bank officials. He said he is the one who brought it to Court. To me, the chain of how the box has moved has been kept intact, and PW20 told Court that, the box (Exhibit P11) looks the same unopened as she had locked it, save the red tape breaking due to the wear and tear while lifting the box.
- [5] PW21, the retired Police Officer, told Court that she got the key for the two padlocks from PW20 and kept them but that she has since irretrievably lost them.
- [6] Given the evidence on record, especially the broken chain, I am satisfied that the defense will not be prejudiced in any way if the Court makes an order to break exhibit P11 open.
- [7] All in all, I order that the box (exhibit PE11) be broken open and the objection is accordingly overruled. █

Signed, dated and delivered at Ile du Port on 21 November 2016

D Akiiki-Kiiza
Judge of the Supreme Court