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IN THE SEYCHELLES COURT OF APPEAL

FELIX LAWEN

APPELLANT

versus

THE REPUBLIC

RESPONDENT



Criminal Appeal No: 12 of 1999

[Before: Pillay, De Silva, & Matadeen, J.J.A]

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Mr. A. Juliette for the Appellant
Miss. C. Hoareau for the Respondent

JUDGMENT OF THE COURT

(Delivered by Pillay, J.)

The appellant who had been allowed by the trial Court to plead guilty to a charge of manslaughter in spite of the objections raised by the prosecution was sentenced to a term of 20 years' imprisonment.

The appellant is now appealing against his sentence on the ground that the sentence passed against him is manifestly harsh and excessive in all the circumstances of the case. In support of his client's ground, learned Counsel referred to several judgments of the Supreme Court where an accused party guilty of manslaughter had been sentenced to imprisonment for a term ranging from 1 to 10 years, depending on the particular circumstances of the case.

Although the trial Court was right to have taken into account the fact that the appellant inflicted on his victim five mortal blows with a long dagger and that there is a prevalence of violence in the country, it did not give sufficient weight, in our opinion, to the mitigating factors pleading in

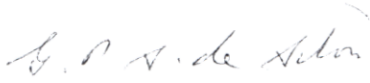
favour of the appellant, namely, that he was a first offender who had shown remorse for his act and was suffering from mental impairment.

Consequently, we allow the appeal and for the sentence passed on the appellant, we substitute one of 10 years' imprisonment.



A. G. PILLAY

JUSTICE OF APPEAL



G. P. S. DE SILVA

JUSTICE OF APPEAL



K. P. MATADEEN

JUSTICE OF APPEAL

Delivered at Victoria, Mahe this 7th. day of **April** 2000.