

SUPREME COURT OF SEYCHELLES

Reportable/Redact
CO70/2023

In the matter between:

THE REPUBLIC
(rep. by Luthina Monthy)

Republic

and

LB
(rep. by Joshua Revera)

Accused

Neutral Citation: *Republic v LB* (CO 70/2023) (18 September 2025)
Before: Burhan J
Summary: Sexual Assault
Heard: 30-04-24, 03-05-24, 09-07- 24, 27-11- 24, 24-02-25 and 30 -04-25.
Delivered: 18 -09 -2025

ORDER

I proceed to find the accused guilty on Count 1 and convict him of same.

JUDGMENT

BURHAN J

[1] The accused by charge sheet dated 27 September 2023 is charged as follows:

Count 1

Sexual Assault contrary to section 130 (1) as read with section 130 (2) (d) & section 130 (3) (b) of the Penal Code and punishable under section 130(1) of the Penal Code.

Particulars of offence are that, LB of, Mahe, on a date unknown to the prosecution during the month of May 2023, at Ile Solei, Anse Aux Pins, Mahe, sexually assaulted another namely AR, aged 13 years old at the time, by inserting his penis into the vagina of AR.

- [2] The accused denied the charges and the prosecution opened its case by calling the complainant (victim) AR. She testified that she is 14 years of age and is presently studying in Secondary and lives with her mother PM, her stepfather, two nephews and sister.
- [3] AR stated that she had first got to know the accused when he had come to the house she was living in to cut a Bilimbi tree. He had started following her on TikTok and she admits she interacted with him. The accused had started texting her and on Tuesday the 9th May, after she had dropped off her nephew at [redacted] practice, she had met up with the accused and done a round with him at Bodamien Anse Aux Pins. The accused had picked her up at [redacted]. After 09th May, she met up with the accused again on Thursday 11th May 2023. The accused had picked her up at [redacted], outside the place where they train for [redacted] and at that time her nephew was inside training.
- [4] The accused had come in a white police vehicle. After he picked her up they had gone to Bodamien to do a round and ended up at Ile Soleil. He had then got in the back passenger seat and she also had done so and the accused had pulled her undies sideways and inserted his penis into her vagina. They had left thereafter gone to [redacted] where the training of [redacted] was taking place to collect her nephew. He had dropped her at her house at the bottom of the steps and then left. She had not heard from the accused thereafter.
- [5] Witness stated that she had been in contact with the accused on TikTok but after her mother seized her phone as she did not have any phone with her, he could not contact her. On the day of the incident when she got home she did not tell anyone what had happened. Her nephew told her that ‘Sir J’, the [redacted] trainer, had told him to tell her not to leave the premises where training was being done and to remain there. As her nephew was telling this to her, her mother heard and had spoken to her. Her stepfather and sister also spoke to her. They asked her if what her nephew had told was true and if she had gone elsewhere.

Witness then admitted that she had gone with the accused. When she told them that her mother confiscated her phone and an argument ensued.

[6] The complainant admitted her mother knew the accused. When she told her mother she had gone with the accused, she did not tell her mother exactly what had happened between them. She stated she did not tell anyone and she is not aware how her mother found out. Her sister spoke to her but she did not tell her sister what had happened. However they had seen the messages on TikTok on her phone as she had not removed it yet. Witness recalled that a message on Thursday 11 May had stated, he would sleep with her. Her mother and sister had read the message but they did not confront her with regard to it.

[7] She further testified that she had gone to the Social Services but she does not know who filed the complaint with them. Social Services had called her to their office and asked her about the incident and she gave them a statement of what had happened. She had met the social worker Ms. Nourrice. Witness stated she was not subject to a medical examination. When the accused took her to Ile Soleil, he had inserted his penis into her vagina, this is the only time it happened. When the incident occurred she was 13 years of age. After the incident she did not hear from the accused again.

[8] Under cross examination, she admitted the accused had come to her place to cut Bilimbi trees and that was the first time he came. She could not remember the date or time period. She admitted that thereafter he had come to her residence frequently. The accused would sit in the house and talk to her mother and sister. Witness AR stated that her nephew practises [redacted] at [redacted]. She would take him for practice and they would take a bus from [redacted] to [redacted] and then the accused would take her from [redacted]. [Redacted] training was in the afternoon on Tuesdays and Thursdays each week. On the date of the incident her nephew was not schooling, as practice was during the first school holidays of three weeks for the year 2023.

[9] She stated that both on the 9th and the 11th of May, the accused had come in a white police vehicle. The vehicle had four doors. Witness stated that it was not a pickup as stated in her statement because it has four doors and at the back you can keep dogs. Under cross examination, she affirmed that on the 11th they had gone to Bodamien and then to Ile Soleil

where she disembarked, went to the back seat and the accused had sex with her. She admitted she was not familiar with Ile Soleil and the incident was the first time she had engaged in such sexual activity. She stated she did not feel forced. After the incident, she had picked up her nephew with the accused and gone back home to [redacted]. She had not spoken of the incident to anyone. She further stated under cross examination that she did not engage in any sexual activity with anyone either before or after this incident. However, when it was suggested to her that according to the medical evidence she had had sex on more than one occasion she admitted she had. She admitted the accused was a family friend and her mother considered him as one of her children. In re-examination, she reiterated the incident of assault and affirmed that the accused come to pick her up in a white police vehicle with 'dog unit' marked on it.

[10] The next witness called by the prosecution was AL the sister of the complainant-victim AR. She stated that on the 11 May, she was sleeping as she had been on night duty as a nurse when she heard noises and heard her mother beating up her sister. She asked what was happening but no one answered and it was her little boy D who told her that AR is being beaten because she had gone out with the accused. Since she was going for night duty, she did not have much time to talk to AR but when she came back the next day at around 9:30am she sat with AR and asked her what happened. AR admitted to her she had gone with the accused and she had done things but she was not specific. Witness tried to talk to AR and tried to understand because she (AL) and the accused were friends as he would drop her off at work. The accused would come home often. Witness stated she would text the accused on his phone number [redacted] but there were no long conversations. She did not have any further communications with him.

[11] Witness stated that the accused texted her mother asking for forgiveness. She saw the text message personally because her mother showed her the message and asked her if she knew this number. She knew that the accused is an officer at the Seychelles Dog Unit. Before the date of the incident witness had known the accused for months but after the incident she had not heard from the accused thereafter.

- [12] Under cross examination, she admitted and affirmed it was her son who played [redacted]. During the holidays she would send him to [redacted] community centre for practice on Tuesday and Thursdays. She stated the victim in the case is her sister. She recalled the incident was during the school holidays. She reiterated that her mother showed her a text and it was she who recognised the number. In the message there were several things that were written like an apology message. She stated she did not know in what context it was sent.
- [13] Witness George D'Offay stated he is the CEO of Cable & Wireless Seychelles. On the 22 June 2023, he received a warrant in respect of certain telephone numbers in relation to this case. He produced the warrant as Exhibit P1. The warrant was seeking information in respect of names, addresses, NIN and MIMEI and records of all incomings/outgoings calls received, including SMS and location in respect of mobile phone numbers [redacted], [redacted] for the period 1 April 2023 to 31 May 2023. He had thereafter provided all the information to the police and produced his report to the Commissioner of police as Exhibit P2. He stated that the telephone number [redacted] is registered under the name of [redacted] and telephone number [redacted] is registered under the name LB.
- [14] Witness PM, the mother of the complainant also affirmed that her daughter AR had on the 11 May 2023, taken her nephew to [redacted] Community Centre for [redacted] training. As she was at home she used to monitor the time. The first week and second week everything was okay but in the third week on Thursday, training finished at 3.30 and they arrived at 3.45. Witness had asked them why they had come so early as usually they would come home at 4.15. D the first grandson had come into the living room followed by AR. Witness heard D say to AR "Sir J told her when she comes to training, stay here and do not go out and go for walks".
- [15] Witness overheard the conversation and asked if there was something going on but nobody replied. She then questioned AR but she said "nothing, mummy". Witness told her she did not trust her and that she was not telling the truth. AR then said she had left him and gone to get him a milkshake but D stated it was a lie and that AR did not bring him a milkshake. AR had eventually admitted to witness that the accused came to fetch her at training and

they had gone some place in Ile Soleil, and sat and talked. Witness identified the accused by pointing him out in the dock. Witness PM admitted she got angry when she knew of this and beat her up.

[16] After she had cooled down witness PM stated, AR had told her what had been happening and that they had been texting on TikTok for some time. Witness PM admitted that she had known the accused for some time, as he worked with her partner he used to come in the afternoon to get lunch for her partner and her. Witness stated the accused was like a son and a friend to her. She described the accused as a friend and mentioned how he would help the family. On questioning AR further, AR cried and kept saying mummy things happened but did not say what. Thereafter, witness called the accused on [redacted] from her phone [redacted] and asked him what had happened. The accused had stated he was sorry and asked to be forgiven. She had cut the line. Thereafter, he had texted her which reads as follows as per the report P4 *“Mum I’m Sorry, I have No Words or Know what 2 Say, Forgive Me, I didn’t mean 2 Go Behind your Back... I’m truly Sorry..*

[17] Witness PM then asked AL about the number. AL had told her the number belonged to the accused who used to contact her. Witness PM stated she discussed the matter with AL but admitted she never filed a complaint.

[18] Witness further testified that she got a call from Ms. Nourrice, the social worker, on Monday the 15 May 2023, telling her that she has to come the next day on Tuesday to meet her and she had to bring AR with her. When they went to social services, the social worker told her someone anonymous had called and put a complaint saying that they had seen AR in a police vehicle, with a Police Officer hanging around [redacted]. When they got there Ms. Nourrice asked witness some questions but she did not have answers and admitted it was her fault that she did not report the incident as she was trying to be human and forgive the accused. The social worker told her what had happened was bad and needed her co-operation.

[19] The social worker wanted to speak to AR. When AR came in, she would not speak in front of her mother so witness left her inside and went outside. After AR spoke to the social worker, Ms. Nourrice called witness PM back and told her that AR had confessed

everything to her. They had been given an appointment to see the doctor and then went to the Child Protection Services. The day they were supposed to see the doctor, as AR was having her period, they had gone the following Tuesday. The doctor examined AR and told witness PM that AR is not a virgin anymore but there is no discharge. Witness gave her phone to child protection for further investigations and they had given it to the CID to get the message information. Her phone was a Redmi A2 plus. Witness stated that AR too used a phone and she had gone through the messages on TikTok and on seeing the texts she had got angry and hit AR with the phone and it broke. Witness stated at the time of the incident AR was 13 years old. Witness identified the birth certificate of AR as Exhibit P3 which affirms AR's DOB as 24 August 2009. Witness PM further stated that her partner and the accused were working together and that is how she got to know the accused. She also referred to the accused cutting the Bilimbi tree in their house. She admitted she was related to the accused as his grandfather is a close cousin of her grandmother.

[20] Under cross examination, she admitted that at times the accused would come home to collect lunch and he would come alone but when he came to cut the Bilimbi, he had come with a friend. Most of the time they would stay outside and talk to her other daughter AL. Sometimes, he would come to the living room but did not show interest in AR but would talk to the others. She admitted that she got angry on hearing what had happened. On Tik Tok she saw the accused profile picture and recognised him. It was put to witness that the text could have been anything or could have been a mistake. She in reply repeated what the accused had said in the text. Witness further stated that when she confronted the accused on the phone the first time and asked what happened, what was going on, why were you at training why were you picking up AR at training, he just replied Mum sorry, mum sorry I should not have done that. Witness stated she had ended the call. Witness further stated that she did not have a grudge against the accused. She does not keep a grudge. She rarely gets angry, but on the day of the incident she was angry. Witness further stated that after apologising to her on the phone, the accused had also texted her and apologised.

[21] Witness Ms Evita Nourrice stated she was a social worker at the Child Protection Unit; dealing with cases of physical and sexual abuse. In this case she had done the medical procedures and the police statement. After the case was assigned to her, she had informed

the parent of the child to come to the office for her to be able to see the child. Thereafter, she had spoken to the child who admitted that she had had a sexual relationship with one LB. Thereafter, a medical examination was done on the child on the 30 May 2023 which is affirmed by the medical certificate P5 and the statement was taken on the 6 June. When the child was telling what had happened to her she was calm. She stated the child could express herself and she was also consistent in what she was saying. Witness also did subsequent counselling with the victim, school visits and follow up calls with the parent.

[22] Under cross examination witness stated that WPC Brigillia had received an anonymous report and had referred the matter to her. Witness looked for the information via the school because the anonymous caller had said that the girl went to school at [redacted] and had given the information of the girl and the parent. She stated AR was consistent, and was comfortable talking to her. She had spoken to the parents and to the child on a one to one basis and the child had explained to her what happened.

[23] Police Constable Derreck Joseph stated that he works at the Seychelles Police Dog Unit and has been there for approximately nine years. All authorized personnel working at the dog unit are allowed to drive the police vehicle and any vehicle attached to the dog unit. He stated he was called by the child protection unit, to give a statement relating to a vehicle that was implicated in this incident S31369. The vehicle was a pick-up with four doors with a kennel at the back mark TATA. This was one of the pick-ups assigned to the dog unit. The accused was his colleague at dog unit. He stated that the accused is authorized to drive one of the police vehicles.

[24] The prosecution next called SI Ivan Esparon, a Police officer attached with the Digital Forensic for 7 years and having 17 years' experience in the police force. The witness was considered as an expert witness. He stated on 11 July 2023, he received instructions to extract evidence from a mobile phone. After analysing the data from the mobile phone, he recorded the data that he analysed one message from the mobile phone. Thereafter, he prepared a report. The report was marked as Exhibit P4. His evidence and report affirms that the phone of the accused [redacted] had sent the following message to the phone belonging to witness PM bearing number [redacted] on the 13 May 2023 at 12.50.27 which

reads as follows “ *Mum I’m Sorry, I have No Words or Know what 2 Say, Forgive Me, I didn’t mean 2 Go Behind your Back... I’m truly Sorry..*

[25] Witness Dr Maxwell Fock Tave stated he was working as a medical officer in the Department of Gynaecology and Obstetrics at the Seychelles Hospital. He has been working since 1998 and has 26 – 27 years’ experience. He recalls examining one female by the name of AR. The child was brought to him for examination in relation to an alleged sexual abuse and he wrote a medical report. Witness was shown the document which was marked as Exhibit P5.

[26] Witness stated that he examined the child on the 30th of May 2023 and found that the child was in a good general and nutritional condition with well-developed secondary sexual characters. There was no suspicious skin lesion or marking on the body. The oral cavity was clean and normal. The chest and abdomen was soft and there was no palpable abnormality. The external genital area was normal and clean. There was no growth or discharge. The hymen appeared ragged and not intact. The anal area was normal. The usual circumstance that causes the hymen not to be intact would be a sexual intercourse. Under cross examination he admitted he would not be able to identify the last time AR would have been sexually active.

[27] Thereafter the Republic closed their case. The rights of the accused were explained to him in open Court and he opted to give evidence under oath.

Defence Case

[28] The accused testified under oath in defence. He stated he was a police officer, 28 years of age, a trained dog handler who had specialised training in Abu Dhabi. He admitted he knew, AR, PM and Ms Nourice as acquaintances. He knew them through Sergeant Ryan and PC Leon who were long-time friends with them. The accused denied he had sexual intercourse with AR in May 2023 at Ile Soleil. He admitted he was on duty that day with PC Joseph who authorized him to drive the vehicle. He stated the vehicle is used for general purposes and all of them can make use of it. The accused admitted that he was driving the vehicle all the time. PC Joseph wanted him to buy something for his kids, he thereafter

went to the barber shop to cut his hair at Anse Aux Pins annexed to the Bazaar. He admitted he went on a patrol at Ile Soleil as even though they are specialized in dogs, they still need to do their duties like patrolling. He had done a round at Ile Soleil and they stopped twice once in front of a building with residential places and house and then stopped near the Bazaar because PC Joseph called him and stated he had lost Rs 3000/- He stated this is shown in the GPS recording. He had not gone for the haircut and admits he went to the [redacted] because AR had asked him for a lift. He stated the whole family was there. He admitted he had gone out on patrol without a partner and that was the only mistake he made.

[29] The accused admitted he had gone frequently to the house of AR. He stated that the Sergeant he worked with is her mother's partner. He used to go to fetch the Sergeant's food. Whenever he went there he stated he was never alone, PC Ryan Leon accompanied him. He never had any conversation without the parents being there. It was AR who had asked for a lift that day and he admitted he gives her a lift in the police car. He further stated on the 11th May after Ile Soleil, he proceeded to the [redacted] and he took AR at the same place with her nephew and it was then that J had seen the vehicle which was a police vehicle. He too had seen J. Right after that the accused states, he had taken AR straight to her mother's house and she was the one who told him to drop her off at the steps. The accused stated that he did not find that weird because he is used to it and he did not think anything wrong of it. He just thought that she would tell her mother that she got a lift from him because her nephew was also there. He had the gone straight to pick up Joseph and hand over the vehicle to PC Joseph.

[30] The accused admitted the he had sent the text to AR mother's phone in which he says sorry. He had texted her because she had called him and was complaining. He thought maybe she is complaining of him giving the daughter a lift and not telling her about it and that was why he sent the text saying sorry. He further stated his senior officer is able to identify where the truck is at all times through GPS. He denied having a TikTok account with AR and denied having sexual intercourse with AR.

- [31] Under cross examination, the accused testified that on 11th May 2023, he was on duty as a police officer. While on duty he decided to proceed to Anse Aux Pins. He admitted he was conducting a patrol at Ile Soleil. He stated that whilst on patrol, he stopped near residential premises where people were and where there were buildings and people passing around. He had got a call from officer Joseph and as it was not appropriate to be on a phone call while driving, he had stopped where the GPS indicated that he stopped. No one directed him to go to Ile Soleil. They usually take it upon themselves to go to Ile Soleil. He admits thereafter he proceeded to the [redacted] because he promised to give AR a lift as she had asked for one. The only thing that she had said was that she will be going for training and that she wanted a lift for her to go back home. He did not have any form of communications with AR thereafter. He knew the time to pick up AR because she told him the time, that she will finish, at 03:00 to 03:45.
- [32] It was suggested to the accused that he was lying to the Court because he had communications with AR and on that particular day, he went specifically not to get a haircut but specifically to collect AR and after collecting her from the [redacted], he went to Ile Soleil together with her and had sexual intercourse with AR on that day. He denied the suggestions. It was also suggested to him that the story of him stopping at Ile Soleil to search for the money is just an attempt by him to try to cover the fact that he was there at Ile Soleil with AR. He admits he had not been directed to proceed to Ile Soliel and Anse Aux Pins on patrol and admits he did this on his own accord. He also admits he went alone on patrol which he himself admits is a mistake (Proceedings of 9th July 2024 at 9.30 am Pg14, 27 and 30).
- [33] The accused admitted he wrote in the book, Patrol was done at Ile Soleil and Anse Aux Pins. He does not recall the timing. He stated he is stationed at Petit Paris. He admitted that on that day, he proceeded from Petit Paris on his own without instructions to Anse Aux Pins. He does not recall what time he was on patrol but it was in the afternoon. He admitted he had given lifts to AR several times earlier. Within that month that was not the only time that he went to collect her. In re-examination he stated as the mother was saying “why did you do this why did you pick up AR” he texted and said sorry to her.

[34] The next witness called by the accused was Mr Aubrey Petrouse who had prepared a GPS report in respect of vehicle GS31369. He stated that the date and time of the report was 11 May 2023 from 2.45pm onwards in respect of the said vehicle. He described the contents of his report marked as A1. He gave details of the report as to when the vehicle was stationary and moving between the time period 14.45 to 14:49:51. Under cross examination he admitted the report that he produced in this case had the extractions from the GPS for the 11 May 2023 and was only between the time 2:45 pm to 2:49:51 pm. There is nothing to say what happened to the vehicle before 2.45 pm or after 2:49:51pm. He stated it would not be in the report because of the time that had been reflected in the report was the time he was asked to extract by the defence. He admitted that whatever is on this report is what he has gathered for the case, amounting to this four minute period only.

[35] The next witness called by the defense was Ryan Leon a police officer attached to the dog unit. He has known the accused for the past three years. He explained their duties they carry out at the airport and the port. His duties entail mobile patrols and prevention of crimes in the neighbourhood. The registration number of the police vehicle they use in the dog unit is GS31369 a 4 door pick-up truck TATA make. They conduct their patrol everywhere in general in this vehicle. Witness further stated that he knows PM and one of her daughters who had been in school with him. He stated he has never seen interactions between AR and the accused, mostly friendship and nothing more and he would accompany the accused always. Under cross examination witness admitted that there is normally a shift supervisor who is the one that lays out the plans for the day and schedule work. If there's inquiries at the airport, the port and any other requests from any other stations they help out. When they act as a narcotic dog handler, and in explosives, they go separately. For the normal police patrols on they go together. Although their tasks are planned out it is not a hundred percent that it will be exactly the same every day.

Analysis and Findings

[36] Thereafter the defence closed their case and both parties filed submissions. I have carefully analysed the evidence of prosecution and accused and the submissions made by both parties.

[37] The accused in his evidence under oath denies he had sexual intercourse with the victim AR but admits he knew her and her family. He admits he was a police officer on duty the day of the incident and admits he was on patrol alone and driving the said vehicle in which the victim describes the offence occurred. He admitted he had gone out on patrol without being directed to and without a partner and states that was the only mistake he made. He admits although his intention was to have a haircut he had not gone for the haircut and admits he went to the [redacted] because AR had asked him for a lift. He admits he had given the victim a lift in the police vehicle. However, the accused states that the nephew too had got into the car with him and that was the time the table tennis instructor J had seen him. Thereafter, the accused states he had taken AR straight to her mother's house and she was the one that told him to drop her off at the steps. The accused and his learned Counsel rely heavily on a 4 minute GPS report to prove his whereabouts of that day to corroborate his version. He further called witnesses Aubrey Petrouse who admitted the GPS report was of a 4 minute duration and Ryan Leon who confirmed the prosecution case that the police vehicle in the dog unit is GS31369 a 4 door pick-up truck TATA make.

[38] In contrast, it is clear from the evidence of the complainant/victim that the accused had come and picked her up while her nephew was inside training. She describes in detail the acts done by him on her which clearly indicate the accused had taken her alone for a drive and had sexual intercourse with her in the back passenger seat of the police vehicle. When that was done, the accused had taken her back to the [redacted] to collect her nephew after which he dropped them at the steps of the mother's house. It is clear the incident had not occurred during the 4 minute GPS report produced by the accused in defence. Understandably, the victim does not specify an exact time the incident occurred. It is clear from the evidence before court that the accused had taken the police vehicle that day for well over that 4 minute period. He admits to taking the police vehicle for a patrol in the afternoon but does not specify or recall the time and for how long the vehicle was with him. He himself admits what he did was wrong as if it was for an official patrol, there should have been another Officer with him. It further appears he had no proper authority to take the police vehicle for a patrol either with or without another Officer. I find therefore his evidence that he did only patrol duty and some chores for a friend not acceptable.

[39] I also observe that learned Counsel for the accused in re-examination had by way of a leading question attempted to get witness Petrouse who produced the GPS report A1 to confirm the whereabouts of the vehicle after the time mentioned in the report. It is clear his reply to the leading question was not based on the report A1 or on his personal presence in the said vehicle and therefore his evidence on this issue is not definite and cannot be accepted. The defence who called for the GPS report for reasons best known to them, decided not to show the whereabouts of the vehicle by way of a GPS report after 14.49.57 (approx. 2.49 pm).

[40] When one considers the evidence of the complainant-victim, I observe though subject to lengthy cross examination there were no material contradictions in her evidence. It appears she cannot recall being examined by a doctor by this is an oversight as the medical report indicates she was examined and a report prepared about 19 days after the incident of assault. Her stating she had only sex with the accused once is understandable. The evidence of the victim withstood the rigors of cross examination. Further, I am satisfied that she had no reason to falsely implicate the accused in such a serious offence, especially considering the close friendship and relationship that existed between her mother, the accused and his fellow officers. In fact due to this friendship, it is clear from the evidence that the victim was even afraid to tell her mother of the incident in detail after being beaten and only confided the details to the social services worker. It is also in evidence that due to the close friendship the mother decided to forgive the accused and not make a complaint. For the aforementioned reasons, I am unable to accept the defence contention that the victim had made up a story against the accused or is giving false evidence against him in respect of such a serious offence.

[41] Further, when one considers the evidence of her mother PM, it is confirmed that she became alerted to the incident on the same day the offence was committed, as they had come home early 3.45pm and not 4.15pm as the accused had dropped them in the vehicle. She had then overheard her grandson D tell the victim AR "Sir J told her when she comes to training, stay here and do not go out and go for walks". PM then questioned AR but she had said "nothing, mummy". Witness had told her she did not trust her and AR had eventually admitted to witness that the accused came to fetch her at training and they had

gone someplace in Ile Soleil, and sat and talked. Witness PM admitted she got angry when she knew of this and beat up AR. After she had cooled down AR had told witness what had been happening and that she and the accused had been texting on TikTok for some time. On questioning AR further, AR cried and kept saying mummy things happened but did not say what. All this evidence indicates that the victim immediately brought to the notice of her mother that she had gone alone with the accused to Ile Soleil in the police vehicle and “things happened”. It is clear that AR was upset as to what happened and on being confronted by her mother, partially admitted to her mother the same day of the incident that the accused had taken her alone in the vehicle and it was not a mere lift that the accused had given her that day as “ things happened”.

[42] Further, when witness PM called the accused on [redacted] from her phone [redacted] and asked him what had occurred, the accused had stated he was sorry and asked to be forgiven. She had cut the line. Thereafter, he had texted her. All this evidence read together with the evidence given by the victim, indicates that the complainant-victim is not making up a story and her evidence can be believed. The accused admits he sent the text to AR mother’s phone in which he says sorry. His explanation is that he thought maybe she is complaining of him giving the daughter a lift and not telling her about it and that was why he sent the text saying sorry.

[43] It is to be observed that in her evidence the mother PM states when she confronted the accused on the phone (verbally) for the first time and asked what happened, he just said Mum sorry, mum sorry I should not have done that and further apologised by text. The text refers to “*I didn’t mean 2 Go Behind your Back*” which indicates he had gone some place with AR (the subject matter of the text) without her mother’s permission and is in line with the evidence of the victim that she had gone with him to Bodamien and then Ile Soleil without her mother’s permissions. When one considers the text wording with the evidence as a whole, his belated suggestion that in the text sent, he was referring to the lift he gave AR is not acceptable.

[44] The accused although denying he had a TikTok account with the victim, admits calling her regularly and giving her lifts regularly. It is also clear from the evidence of PM that the

matter was anonymously reported to the Social Services as when she was summoned to the social services, the social worker had informed her someone anonymous had called and made a complaint saying that they had seen AR in a Police vehicle, with a Police Officer hanging around Anse Aux Pins. Witness PM admitted it was her fault that she did not report the incident to the police as she was trying to be human and forgive the accused. Thereafter AR had confided to the social worker all what had happened.

[45] When one takes all the evidence and circumstances in its entirety, it is clear to this Court that the evidence of the victim can be believed and is further corroborated by the medical evidence which although unable to state the date or time states that the victim was sexually active refers to her hymen being ragged and not intact. It is clear that she was not examined immediately after the incident but 19 days later. It is also clear from the birth certificate produced that the victim was only 13 years at the time of the incident consent is not a defence.

[46] For all the aforementioned reasons, I am unable to accept the evidence of the accused or his 4 minute GPS report and reject same. I am satisfied that the victim is speaking the truth and there are no arising circumstances that requires this Court to look for corroboration of her evidence. I am in total agreement with learned Counsel for the prosecution who referred to the cases of EC v R SCSC 788 [2016], R v Lucas [2010] SCSC 84 p.8 and Raymond Lucas v The Republic SCA No 17/09 and submitted that the virtual complainant is a reliable, trustworthy and credible witness and that during cross examination no material inconsistency surfaced. I therefore proceed to accept the evidence of the prosecution and reject the evidence of the defence.

[47] I am satisfied that the prosecution has proved all the elements of the offence set out in Count 1 beyond reasonable doubt. I proceed to find the accused guilty on Count 1 and convict him of same.

Signed, dated and delivered at Ile du Port on 18 September 2025.

M Burhan J