

**IN THE SUPREME COURT OF SEYCHELLES**

**THE REPUBLIC**

**VS.**

**JOSEPH ANNA (Accused)**

Criminal Side No. 44 of 2001

Mr. Govinden for the Republic

Mr. Ally for the Accused

**SENTENCE**

***Karunakaran, J***

I have carefully considered the submissions made by the learned Defence Counsel on mitigation. First of all, I note that the defendant has pleaded guilty to both charges saving the precious time of the Court. Secondly, I note the accused is now serving a long term imprisonment in respect of another offence for which he has already been sentenced. Thirdly, I consider his age and family conditions. Although, I have considered all of these circumstances in his favor, the fact remains that the offence of breaking into a building and committing a felony carries a minimum mandatory sentence of five years imprisonment vide Act 16 of 1995. However, as submitted by the learned State Counsel, Mr. Govinden, at the time of the commission of the offence in the instant case, the accused had no antecedent.

I also give careful thought to the principle of Totality of Imprisonment. If an offender is sentenced with imprisonment consecutively for different offences he has committed, when he serves the total period it might cause prejudice and

injustice since his lifetime won't be sufficient for him to complete serving the total term of imprisonment imposed by the sentencer. He might be deprived of his chances of reformation and rehabilitation. Giving diligent thought to all the circumstances in this matter, I am of the view that any sentence of imprisonment imposed on him in this particular case, should run concurrently with the one that he is already serving.

In the circumstances I sentence the accused as follows:

- a) For the offence of "breaking into a building and committing a felony therein" I sentence him to undergo six years imprisonment.
- b) For the offence of stealing contrary to and punishable under Section 260 of the Penal Code, I sentence him to undergo four years of imprisonment.

Since these two offences were committed during the course of the same transaction I hereby direct that both sentences imposed hereby shall run concurrently. Having said that, since he is already serving a long term imprisonment in respect of another case, I hereby direct that both sentences imposed in this case shall also run concurrently with the one he is now serving.

I so order.

**D. KARUNAKARAN**  
**JUDGE**

Dated this 23<sup>rd</sup> day of March, 2007