



Office of the Director of Public Prosecutions

In this Issue

Editorial	3
Training on corruption in Rodrigues	4
Cryptocurrency Part 1 – The History	6
Labour Day	7
Talk on International Human Rights	10
Case Summary	13

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Editorial



Anusha Rawoah
Senior State Counsel

Dear Readers,

Welcome to the 82nd issue of our monthly newsletter. In this issue, we provide you first, with a glimpse of a training carried out by senior law officers of the ODPP in collaboration with the Rodrigues Regional Assembly. The training session took place as part of an initiative to sensitize and educate public officers in Rodrigues on the threat of corruption, its consequences and legal implications. We remind our readers that the ODPP endeavours to offer such trainings on a regular basis to public officers of Mauritius and Rodrigues.

On another note, an informative article is included on the virtual currency namely, cryptocurrency, to enable our readers to grasp a basic understanding of same. Furthermore, as the month of May marks the celebration of Labour Day, we provide our readers with an overview of its historical perspective as well as the legislative framework on labour law in Mauritius. Moreover, the ODPP had the pleasure of welcoming Professor Ludovic Pierre Hennebel who gave a talk on International Human Rights, in collaboration with the National Human Rights Commission. A review of the talk is included.

We also seize this opportunity to welcome the newly appointed law officers (Temporary State Counsel) at the ODPP.

Finally, our usual rubric, summary of Supreme Court judgments is provided at page 13.

We thank you for your interest and welcome your suggestions and feedbacks on odppnewsletter@govmu.org.

Training on corruption in Rodrigues

According to Lord Acton “***Power tends to corrupt, and absolute power corrupts absolutely***”.

It is with that quotation and the spirit it conveys that a training was held at Cotton Bay hotel, Rodrigues for two full days as from the 26th of April 2018.

As part of an initiative to sensitize and educate public officers in Rodrigues on the threat of corruption, its consequences and legal implications that the Rodrigues Regional Assembly invited the Office of the Director of Prosecutions to hold such a training. The training was serviced by Mr Rashid Ahmine, Deputy Director of Public Prosecutions and Mr Vijay Appadoo, Assistant Director of Public Prosecutions.

The audience was comprised of the Head of Departments of the Administrative and Financial Cadre based in Rodrigues. The Chief Commissioner and his deputy, together with all the other Commissioners as well as the Island Chief Executive participated in the training.

The background

The political, economic, social and environmental consequences of corruption were analysed and their destructive effects unveiled the whole programme. The rationale of the law, its origin and purpose were elaborated. The need for ‘Corruption Watch’ to identify the abuse by anyone at any level of government or in the business sector was highlighted. The role of Transparency International and Transparency Mauritius in watching the crime of corruption, holding regular surveys, producing statistical data and indices were considered.



The methodology

In an endeavour to understand the phenomenon of corruption and its legal meaning, the important penal provisions of the Prevention of Corruption Act were scrutinised. Case studies and common examples were illustrated and dissected to ensure that the participants appreciate our Corruption Law and its application. The role, powers and functions of the ICAC which has been set up under the Prevention of Corruption Act to combat corruption, were also considered. It was well understood that anti-corruption law is also meant to protect them as Public Officials in the discharge of their day to day functions.



The Achievement

Apart from the content which was a major share for the success of the training programme, the ability of the audience to grasp the various concepts stimulated the training into a workshop. The high level of active participation through questions and references to existing difficulties and examples was overwhelming.

At the end of the course, the participants were found to be proficient enough to enable them to identify, refer, construe and apply certain essential provisions of the Prevention of Corruption Act as well as critically appreciate those major parts of the legislation which guarantee their protection during their tenure of office.

Cryptocurrency

Part 1 – The History



We have been traditionally groomed into using a type of money which is tangible. Notes and coins have been our daily comrades. Whilst the modern era has seen the emergence of internet banking and other paperless modes of using and transferring money, the fact remains that money is still issued by Central Banks and regulated by the monetary policy of each country. Banks and other financial institutions are not only regulated but they also charge fees for the service they provide.

Cryptocurrency, on the other hand, is a virtual currency which is not issued by Central Banks and over which Government has no control. If there is no control, abuses are bound to occur and therefore, the need for regulating cryptocurrency. Is it possible to regulate something over which we have no control? How far is regulation possible or desirable?

The purpose of the three articles which will be published in the different editions of this newsletter, would be to give an insight about Cryptocurrency which has taken the world as a craze since some years, to understand how it works and the legal implications that go with it. We can only best regulate when we understand what we are regulating.

Cryptocurrency is a virtual currency that uses the cyber space as a platform for transactions. Cryptocurrencies are created by private entities and channeled through the cyberspace.

The word 'Crypto' itself is a short derivative for Cryptography. Cryptocurrency means that the digital currency has been encrypted using cryptography to secure and verify transactions.

There have been quite some attempts to create a cryptocurrency over the years and Bitcoin was the pioneer cryptocurrency.

The idea of Bitcoin was launched in 2008 through a White Paper on Bitcoin which was circulated under the pseudonym of one Satoshi Nakamoto. In 2009 Bitcoin was launched on the internet. In the White Paper, Satoshi Nakamoto describes Bitcoin as:

"A purely peer-to-peer version of electronic cash would allow online payments to be sent directly from one party to another without going through a financial institution."

Up to now, it is unsure whether Satoshi Nakamoto is a single person or a group of persons. The true identity of Satoshi Nakamoto has not been unveiled; but surely he must have been a genius in economics, programming, networking and cryptography amongst others. The creation of Bitcoin was one step towards really making cryptocurrency a new form of making transactions over the internet. The securing of those transactions was another issue which had to be addressed by Satoshi Nakamoto.

The next article will address the issue of how cryptocurrency is used to effect transactions over the internet, i.e., peer to peer transactions.

Abdool Raheem Tajooddeen
Senior State Counsel

LABOUR DAY

"All labor that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence." **Martin Luther King Jr**

International Labour Day is also known as the International Worker's Day and May Day which is celebrated on international level to promote and encourage the international labour associations. It is celebrated all across the world every year on 1st of May.

The History of International Labour Day dates to the late 19th Century, when trade union and labour movements grew right along with countless industries, prompting trade unionists to begin to choose various days to celebrate the people's labour. May 1st, was in fact chosen for International Workers' Day to commemorate the Haymarket affair of May 4th 1886 in Chicago, when an unidentified person threw a bomb at the police, who responded by opening fire on the workers, killing four of them. Today, International Workers' day is celebrated on every continent.



Female workers in the May Day Parade in New York City in 1936

In Mauritius, Labour Day was celebrated for the first time in 1938 under the initiative of Dr. Maurice Curé, an eminent leader of the labour movement and founder of the Labour Party. It was in fact celebrated two years after the creation of the Labour party by Dr Maurice Curé and his companions Jean Prosper, Mamode Assenjee, Dr. Hassenjee Jeetoo, Barthelemy Ohsan, Samuel Barbé, Emmanuel Anquetil, Godefroy Moutia, and Pandit Sahadeo. More than 35,000 workers had sacrificed a day's wage and came from all over the island to attend a meeting at the Champ de Mars in Port Louis. The following year, Dr Maurice Curé, while addressing the gathering, proposed that Labour Day should be a public holiday. Labour Day became a public holiday on 1st May 1950.

Labour Day celebration retains its symbol regarding the importance of the worker in the job environment. Rhetorically, workers are the organisations' asset and represent the most important linkage within the work process. As such, this calls for the need to have proper legislative framework to govern labour in any country. In Mauritius, the main source of our labour law is enshrined in our Supreme law, the Constitution. Every Act of Parliament which is made in Mauritius must comply with the Constitution. In the Constitution of Mauritius, there are various provisions which have a crucial impact on labour law and these are:

Section 3 - Fundamentals rights and freedom of the individual

Section 6 - Protection from slavery and forced labour

Section 13 –Protection of freedom of assembly and association

Section 16 – Protection from discrimination

Another source of our labour law is the Code Civil Mauricien. Article 1708 of the Code provides for two types of “Contrat de louage”: (i) Louage des choses, and (ii) Louage d'ouvrage. Article 1710 goes on to explain a “contrat de louage d'ouvrage” as being a contract whereby one party contracts to do something (provide labour service) for another party in consideration of a salary. Hence, the parties are completely free to negotiate the terms of the contract they are entering into. Therefore, there is complete freedom for the parties to enter a contract of employment under Code civil. Article 1780 of the Code Civil also provides that contracts of employment should be governed by the Employment Rights Act 2008.

Other legislations which deal with labour law in Mauritius are the Employment Rights Act 2008, the Employment Relations Act 2008, Occupational and Safety and Health Act 2005 and the Industrial Court Act. Taking the various deficiencies of the Labour Act 1975 into consideration, the said law was finally repealed and replaced by the Employment Rights 2008. Its objective is “to revise and consolidate the law relating to employment, contracts of employment or service, minimum age for employment, hours of work, payment of remuneration and other basic terms and conditions of employment with a view to ensuring appropriate protection of workers”. The Employment Rights Act 2008 became in force on the February 2009. The Act provides for the possibility to negotiate a well-defined group of terms and conditions forming the essence of the contract of employment, by providing for negotiable and non-negotiable terms of employment. It is worth noting that one of the non-negotiable terms is that pertaining to no discrimination at the workplace. “Discrimination” is expressly defined and prohibited under the Act in section 4, and comprises “different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

The Employment Relations Act 2008 has been enacted by the Parliament of Mauritius due to the various deficiencies of the Industrial Relations Act 1975. The Employment Relations Act 2008 became in force on the February 2009 and its objective is “to amend and consolidate the law relating to trade unions, fundamental rights of workers and employers, collective bargaining, labour disputes and related matters.” The Act provides for comprehensive tools for collective bargaining and a Code of Practice is also provided under the 4th Schedule to assist employers and employees during their negotiations.

The Occupational and Safety and Health Act 2005 (OSHA) has been enacted to consolidate and widen the scope of legislation on safety, health and the welfare of employees at work. Section 5 of the OSHA, which caters for the general duties of employers when it comes to safety at work, provides that: “Every employer shall, so far as is reasonably practicable, ensure the safety, health and welfare at work of all his employees.” Safety at work remains an important issue. Accidents at work are a common occurrence and often these mishaps reveal the absence of proper risk assessment. Many small tradesmen, entrepreneurs and self-employed persons have no notion of risk assessment and safety precautions and many lives are lost and many get injured due to negligence. The Act also provides for important safeguards during employment of young persons. During the past decades, recourse has been made to employment of foreign workers. There are nearly 30,000 foreign workers in Mauritius, under a Work Permit, engaged mainly in the manufacturing, textile, construction and seafood sectors. While the law is very strict regarding health and safety and good working conditions of foreign labour, there are certain concerns regarding cases where foreign workers work in deplorable conditions.

The symbolism linked with Labour Day should not be considered with sheer complacency, nor can it be viewed only a memory of historical initiatives. There still remain new challenges to be met in view of the various needs and expectations of the workforce in Mauritius.

Workers need to be supported.

Anusha Rawoah
Senior State Counsel

Talk on International Human Rights

The Office of the Director of Public Prosecutions ('ODPP') had the pleasure of welcoming Professor Ludovic Pierre Hennebel on the 30th April 2018 who gave a talk on International Human Rights.

The talk started with a welcoming speech from Mr Seetulsingh, Chairperson of the National Human Rights Commission ('NHRC') who expressed his gratitude to Professor Hennebel for sharing his knowledge and experience in the field of Human Rights. Professor Hennebel indicated that prosecutors play a major role in the protection of Human Rights. He then went on to identify the five main questions regarding Human Rights issues.

The first question related to the investigation of Human Rights violations. He stated that the State cannot be responsible for all Human Rights violations and further went on to explain how to assess the quality of an investigation. The investigation cannot be just formal, it has to be impartial and independent. Professor Hennebel stressed on the fact that it is the NHRC's responsibility to investigate Human Rights violations and assess the quality of the investigation based on criteria such as independence and impartiality; competence; speed; and transparency of the investigation. He also stated that the punishment must be adapted to the violation otherwise there is a conflict between punishing the violator whilst observing and protecting his Human Rights. In so doing, criminal tools should be used to properly punish violators.



The second question related to the right to an effective remedy and the right to know the truth. Professor Hennebel stated that the State must provide to victims an access to justice and a proper remedy. This right to remedy has now evolved into the right for the victim to know the truth. There are two dimensions to this right, individual and collective. This right directly relates to the right of freedom of expression which is also the right to receive information.

The third point addressed by Professor Hennebel was the deprivation of liberty and the International Human Rights Law. In terms of Human Rights, the deprivation of liberty applies for any purpose, not only criminal. It can apply to health issues, education purposes or immigration purposes and can apply to both public and private persons.

The fourth point raised by Professor Hennebel was the guarantees and the rights of a person deprived of liberty. He gave the example of a journalist brought to a secret international facility and held in detention for 5 days after which he is released and the problems under the Human Rights. The first right that was violated, in this scenario, was the right to be informed. The second guarantee is the right to be brought before a judge promptly. The Judge will decide whether or not the accused should go to jail and the Judge has to be independent and impartial. It is not only a right but an ex-officio obligation to be brought before a Judge. Professor Hennebel mentioned that pre-trial detention was only allowed under specific circumstances, especially if there is a risk that the suspect will leave the territory. However, he emphasised on the fact that there are alternatives to detention such as electronic surveillance. The third guarantee is the right to habeas corpus. The last guarantee is the right to compensation for unlawful arrest or detention.



The last point raised by Professor Hennebel was about specific rights of the accused. The accused benefits from the right to be judged in a reasonable delay; the fairness of the trial to be respected; the publicity of the trial and decision. The most specific right to be addressed is the right to presumption of innocence. Professor Hennebel stated that the presumption of innocence can be tricky because if someone is detained for too long, we can consider that it punitive and in breach of the presumption of innocence. It also means that the burden of proof lies with the prosecutor. The suspect has the right to not self-incriminate himself. The second right relates to the right for the suspect to know the criminal charges brought against him. In International Rights Law, the criminal charge lying against the accused can be made oral or written. The last right is the right of defence, access to lawyer as soon as suspect is arrested. The tricky issue would be regarding the type of evidence that you can provide.

The talk ended with a series of question from our Law Officers and a concluding remark from Professor Hennebel on the responsibility of the State regarding violence against women. He remarked that many jurisprudence makes provisions for femicide and it is for the State to take preventive measures.

The Director of Public Prosecutions, Mr Satyajit Boolell, SC, thanked Professor Hennebel for his interesting intervention. Professor Hennebel's speech also falls within the context of the 70 years anniversary of the Universal Declaration of Human Rights.

Pooja Domun & Neelam Nemchand
Legal Research Officers

SUMMARY OF SUPREME COURT JUDGMENTS: May 2018

COLLET J.G V THE STATE [2018 SCJ 171]

By Hon. Judge Mr. J. Benjamin G. Marie Joseph and Hon. Judge Mrs. G. Jugessur-Manna

Time spent on remand – Deduction - Sentence

The Applicant sought a review of a sentence of 10 years' penal servitude under Count I for the offence of offering heroin for sale with aggravating circumstances and 5 years of penal servitude under Count II for that of possession of heroin for the purpose of selling.

The case of the Applicant was that he had spent 176 days on remand in jail until the sentence was passed. His contention was that in accordance with the case of **Dookee v The State [2012 UKPC 21]** he was entitled to a full deduction of the time spent on remand from the sentence passed.

It was not disputed by the Respondent that the Applicant spent 176 days on remand in jail but the Respondent also stated that the Applicant spent 8 days in police cell.

Both Counsel submitted that a deduction of 80% of the time spent on remand be deducted from the sentence passed. In light of the principles laid down in the case of **Kamasho v The State & Anor [2016 SCJ 21]**, **Chedumbrum v The State & Anor [2016 SCJ 36]** and **Tance v The State**, the Court granted the application. The sentence passed was amended by ordering that 80% of 184 days spent on remand be deducted from the term of 10 years' penal servitude.

LOLLBEEHARRY A V THE STATE [2018 SCJ 170]

By Hon. Judge Mr. A. Hamuth and Hon. Judge Mrs. R. Teelock

Sentence – Disproportionate – Possession of Cannabis for the purpose of Selling

The Appellant appealed against a sentence of 3 years' penal servitude for the offence of unlawful possession of cannabis for the purpose of selling in breach of **Sections 30(1)(f)(i) and 47(5)(a) of the Dangerous Drugs Act**.

The quantity of Cannabis was 238.5 grams. He pleaded guilty to the charge on his second appearance and the first time the information was read over to him.

In his statement the Appellant admitted that when he was approached by two men who wanted to buy cannabis, he informed them that he had half a pound to sell. He went home, collected the drugs and offered to sell it to the men in question for the sum of Rs 35,000. The two men were officers of the ADSU. They arrested him and his house was searched where a small amount of cannabis was found.

Following his conviction, the Learned Magistrate sentenced him to 3 years penal servitude after considering the following:

- (a) The fact that he made an early admission of the charges and had a clean record,
- (b) Major aggravating factors, that is, the quantity and the value of the drugs (Rs 107,000) and the preparation of drugs by the Appellant.

The Appellate Court was of the view that a custodial sentence was warranted in the present case and analysed whether the sentence was proportionate to the gravity of the offence. After having considered several cases, they were of the view that the range of sentencing for possession of cannabis for the purpose of distribution was from one year to three years' penal servitude. This was the case even where there was a not guilty plea and if there were previous convictions. Hence, they concluded that the learned Magistrate was right in her analysis and that the sentence was within the scale of sentences imposed in such offences. The Appeal was dismissed with costs.

DPP V POONYE S [2018 SCJ 182]

By Hon. Judge Mr. O.B. Madhub and Hon. Judge Mrs. A. D. Narain

Bail Act – Section 4(4)(a) – Bail Review – Clean Record – Stay under Section 4(4)(b)

This is an application under **Section 4(4)(a) of the Bail Act** moving for an order:

- (a) quashing the ruling of the co-respondent dated 30.01.2018 releasing the respondent on bail with conditions, and
- (b) remanding the respondent in custody pending the determination of the present matter.

At the outset, Counsel for the Respondent questioned the jurisdiction of this Court to hear the motion as pursuant to the ruling of the learned Magistrate, a motion to stay of execution of the ruling dated 30.01.2018 (releasing the Respondent on bail), pursuant to **Section 4(4)(b)** of the **Act** which was made by the DPP on 02.02.2018, was not acceded to by the said Magistrate on the ground that the motion should have been made on the same day of the Bail ruling (i.e. 30th January 2018). The learned Magistrate was of the view that the word “immediately” used by the legislator in **Section 4(4)(b)** of the **Act** implies that the motion for stay has to be made on the very day the order was made. Counsel also submitted that a stay by the learned Magistrate under **Section 4(4)(b)** of the **Act** is a condition precedent to an application to the Supreme Court under **Section 4(4)(a)** of the **Act**, whereas in the present matter, the stay was refused and the Respondent was granted bail.

The Court was of the view that the decision of the learned Magistrate could not by itself oust the jurisdiction of the Court to hear an application under **Section 4(4)(a)** of the **Bail Act**. The Court went to state that the word “immediately” will have to be viewed in the context of each case and one of the criteria so as not to frustrate the objective to be achieved by a stay notification, would be to consider whether the detainee was released on bail at the time the motion for stay is made. The Court concluded that the Learned Magistrate was wrong to have refused the stay of execution of her order releasing the respondent and that the fact that such an order has not been stayed pursuant to **section 4(4)(b)** of the **Bail Act** cannot in any event preclude the hearing by this Court of an application under **Section 4(4)(a)**.

As far as the merits of the application was concerned, the Court was of the view that there were numerous factual inconsistencies which were reflected in the ruling of the learned Magistrate. In relation to the issue of “likely to abscond” and “possibility to interfere with witness or otherwise obstruct the course of justice”, the Court stated that the fact that the investigation which was related to potential network with international ramifications could not be underestimated. The Court also held that a clean record did not necessarily mean that the person could not have previously been involved in illegal activities. The Court concluded that the analysis of the learned Magistrate was lacking in terms of the public interest element and the fact that there was initially a confession by the Respondent which was subsequently retracted. In the circumstances the ruling was set aside.

RAFFAUT M.A v THE STATE [2018 SCJ 164]

By Hon. Judge Mr. A. Hamuth and Hon. Judge Mrs. G.Jugessur Manna

Possession of Cannabis for the Purpose of Distribution – Element of “knowledge” – Sentence – Manifestly Harsh and Excessive

The Appellant was prosecuted together with late Mr. Phillippe before the District Court of Rodrigues under two counts namely under Count I: for the offence of drug dealing, that is, possession of cannabis for the purpose of distribution, to wit cannabis and 303 cannabis seeds weighing 13.42g in breach of **Sections 30(1)(f)(i)** and **47(5)(a)** and **48** of the **Dangerous Drugs Act**. Under Count II: for the offence of possession of prohibited goods, namely 6 boxes of “roll your own cigarette paper” containing 512 leaflets value Rs 333 in breach of **Section 156(1)(c)(iii)** and **(2)(a)(i)(b)** of the **Customs Act**.

The Appellant pleaded not guilty and she was convicted and sentenced to pay a fine of Rs 50,000 and to undergo 9 months’ imprisonment under Count 1 and to pay a fine of Rs 4,000 and to undergo 2 months’ imprisonment under Count II. The two grounds of appeal were:

1. Because as per the evidence on record, the Learned Magistrate was wrong to come to the conclusion that the prosecution has proved its case beyond any reasonable doubt.
2. The sentence is manifestly harsh and excessive.

The fact of the case was to the effect that ADSU officers carried out a search at Bamboo Villa at Mont Lubin in Rodrigues. The Appellant together with her paramour late Mr. Phillippe rented the said villa as their residence. Following a search, the ADSU officers found in a sofa in the villa, a plastic bag containing a metal box in which was found certain quantity of cannabis leaf, 303 cannabis seeds and 6 boxes of cigarette rolls suspected to be used in connection with smoking cannabis.

In relation to the preliminary objection, learned Counsel for the Appellant conceded that ground 1 was vague. However, he submitted that the only contention of the Appellant regarding Count I was that she had no “knowledge of the drugs”. In relation to Ground 2 the Appellant stated that he was appealing against sentence only in relation to Count II. After having heard the arguments in relation to the preliminary objection, the Court allowed the Appellant to proceed with the two grounds.

In relation to the element of “knowledge” the court held that such element depends on the context of each case. The Appellate Court held that “knowledge” is an abstract concept and unless a person tells what he had behind his mind, it could only be revealed by examining her conduct in the light of the circumstances surrounding the case.

The Appellate Court was satisfied that the Learned Magistrate closely analysed the evidence and they agreed with the Magistrate when it was stated that the appellant cannot pretend ignorance of the drugs. In fact, the Appellant and Mr. Phillippe had control of all the contents of the apartment at the time of the raid, the reluctance on the part of the appellant at first to allow the police to do the search, the manner in which the drugs were concealed underneath the cushion of the sofa which is a furniture regularly used in a house. Hence, Appellant cannot pretend ignorance of the drugs. The Appeal against the conviction therefore failed.

As far as Ground 2 was concerned, the Appellate Court was satisfied that the learned Magistrate took into account the clean record of the Appellant, the circumstances under which the 512 leaflets were secured together with the cannabis and the need to give an appropriate sentence so as to ensure that the Appellant did not reoffend in future before passing a sentence of Rs 4,000 and 2 months’ imprisonment. The Court therefore concluded that the sentence was not wrong in principle and/or manifestly harsh and excessive. The Appeal was dismissed with costs.

THE STATE v NOORAH Z. [2018 SCJ 152]

By Hon. Judge Mr. A. Hamuth and Hon. Judge Mrs. G.Jugessur Manna

Manslaughter – Section 215 and 223(3) of the Criminal Code – Mitigating Factors

The Accused was charged with having committed the offence of murder on the person of his mother Mrs. Mahomed Bibi Rashida. The charge was subsequently reduced to that of manslaughter in breach of **Sections 215 and 223(3) of the Criminal Code** and the information was amended accordingly. The Accused pleaded guilty and he was found guilty as charged.

It arose out of the version of the Accused that at the material time the Accused was a police officer. When he got married in 2005, his wife and him occupied the storey on top of the house of his parents. His relationship between his wife and the victim started to be strained and

the situation went from bad to worse thereafter. In the meantime, they had three children, a boy and twins. After a month before he committed the crime, they separated, and his wife went to live at her mother’s place with the children. He continued to stay on the storey of his parent’s house. After his father passed away on 01.09.2011, he slept in the victim’s bedroom at night to avoid her being alone. The victim left the bed to him and she slept on a mattress laid on the floor. On the fateful night, after the prayers for his late father the victim asked him if he had been to visit his children. He replied in the negative. Thereafter, the victim reproached him of other things and he in turn reproached her that she had undermined his marriage. That made her cry. As he could not bear it anymore, he returned to his room and started to think about his children and wife whom he had not seen for about three weeks because of the victim. At some point, he was convinced that she was the obstacle between him and his family, the idea to get rid of her crossed his mind. He thus made up his mind to set fire to her bedroom. He poured petrol on the floor, took a piece of burning mosquito coil which he placed on an inverted mosquito coil stand in such a way that it would fall on the floor in the process of burning and cause the petrol to catch fire.

He then returned to his house upstairs so that people would believe that he was not in the bedroom at the time when the fire broke. He waited for the fire to start and he eventually smelt something burning. He then went outside by the external stairs and looked through a window and found a big fire in his mother’s bedroom.

In assessing the sentence, the Judge took into account the seriousness of the offence, the circumstances in which it was committed and the submissions of counsel on both sides. In addition, the court took into account the following:

(a) the fact that the accused readily confessed and cooperated with the authorities; (b) his prompt guilty plea on the charge being reduced and; (c) his remorse shown in his out of court statements and in evidence.

He was thereafter sentenced to undergo 25 years’ penal servitude from which shall be deducted 80% of the days spent on remand.

“The less you respond to negativity, the more peaceful your life becomes”

– Dalai Lama



**“TO NO ONE WILL WE SELL,
TO NO ONE DENY,
OR DELAY RIGHT OR JUSTICE”**

Chap 4, Magna Carta 1215