

THE HIGH COURT OF SWAZILAND

REX

Vs

SIFISO MPINI SIKHONDZE

Criminal Case No. 323/2002

Coram S.B. MAPHALALA-J

For the Crown MR. N.M. MASEKO

For the Defence MR. SIMELANE

JUDGEMENT AND SENTENCE

(Ex tempore)

(06/03/2003)

You are charged with the crime of murder. It is alleged by the Crown that upon or about the 2nd September 2000, and at or near Nsongweni area in the Shiselweni district, the accused acting unlawfully and with intent to kill, did assault Sipho Khumalo and inflict a knife wound upon him from which the deceased died on the spot. When the charge was read to you, you pleaded not guilty to murder but guilty to culpable homicide. Your attorney confirmed your plea of guilty in respect of culpable homicide. The Crown also accepted the plea of culpable homicide. A statement of agreed facts was read into the

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record by the prosecutor. In the circumstances of the case, you are found guilty of culpable homicide which is a lesser offence.

I have taken your personal circumstances into consideration in arriving at a proper sentence in this case. I have considered that you are a relatively young man, you are 23 years old. I have also taken into consideration that you have been in custody since the 28th June 2001. I have also considered the submissions made by Mr. Simelane on your behalf that the deceased was the architect of his own demise in this case. However, I have also taken into consideration what was submitted by the prosecutor when he said that you disappeared for a whole year after your act, and this does not show that you were remorseful of what you did. The Crown submitted that you had time to cool off after the first altercation with the deceased. The killing of another human being is always a serious crime. You will always carry the stigma in your community that you are a killer.

I have considered all these circumstances and your sentence would be seven years imprisonment, four years of which is suspended for the period of three years on condition that you are not convicted of an offence in which violence is an offence committed during the period of suspension. The sentence is backdated to the 28th June 2001.

S.B. MAPHALALA

JUDGE