

IN THE HIGH COURT OF SWAZILAND

In the matter of:

THE KING

vs

JABULANE J. THOBELA

DISTRICT OF LUBOMBO

REVIEW CASE NO.77/89

JUDGMENT ON REVIEW (13.4.89)

DUNN, A.C.J.

The accused in this case was convicted by the Magistrate, Mananga, on a charge of contravening Section 7 of the Opium and Habit Forming Drugs Act No. 37/1922. He was sentenced as follows : -

Eighteen months imprisonment of which nine months are suspended for three years on condition the accused is not found guilty of contravening the Opium and Habit Drugs Forming/Act No.37/1922.

The sentence as framed is objectionable and calls for correction on the grounds that a conviction for a contravention of the Act in question committed prior to the commencement of the suspended sentence would bring the suspended sentence into operation. The conviction is confirmed. The sentence is altered to read:-

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The accused is sentenced to 18 months imprisonment, 9 months of which are suspended for 3 years on condition that the accused is not convicted of any contravention of the Opium and Habit Forming Drugs Act No .37/1922, committed during the period of suspension.

The accused is to be brought before the Magistrate to have the effect of this judgment explained to him.

B. DUNN

ACTING CHIEF JUSTICE