

IN THE HIGH COURT OF SWAZILAND

CRIMINAL TRIAL NO.190/95

In the matter between:

REX

VS

THOBILE GROENING

FOR THE CORAM : J.M. MATSEBULA A.J.

FOR THE CROWN : MR. NDUMA

FOR THE DEFENCE : MR. B.J. SIMELANE

JUDGMENT

14/03/96

The accused has been charged with the crime of murder. The allegation being that she did on the 10th June 1995 at Ngwane Park, Manzini Region unlawfully and intentionally burn Thandi Thabsile Masuku and inflicted burns which led to her death thus committed the crime of murder.

When the charge was put to her-"she admitted that the deceased died at her hands but she did not intentionally kill her.

The court then entered a plea of not guilty, that is not guilty to murder. Thereupon Mr. Simelane who is appearing for the accused informed the court that his instructions were that the accused pleads guilty to culpable homicide not murder.

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Mr. Maseko who is appearing for the Crown stated that the Crown was accepting the plea of culpable homicide. He has now briefly stated the facts leading up to the burns which were sustained by the deceased and subsequently after eighteen days leading to her death. He has also handed in by consent a certain post mortem report which was completed by the pathologist Dr. Besson and handed in as exhibit 'A'.

According to exhibit 'A' the doctor found that the deceased had died because of extensive burns with anaemia. There is also a medical report which was prepared by a doctor at the Raleigh Fiktin Memorial Hospital which states that the patient had died on the 28th June 1995 dying of some septic complications of burns on the body.

The Crown also handed in as exhibit '1' flame stove and also a kettle. Mr. Simelane has confirmed that basically the facts outlined by the Crown are the facts which are according to his instructions, and led to the death of the deceased.

The court is satisfied that the facts stated amount to a capability on the part of the accused and that she is guilty of the crime of culpable homicide and the court finds her guilty accordingly.

J.M. MATSEBULA

ACTING JUDGE