

IN THE HIGH COURT OF SWAZILAND

CRIMINAL TRIAL NO.200/95

In the matter between:

REX

VS

ABSALOM MAPHTLA MATSENJWA

FOR CORAM

J M. MATSEBULA

FOR THE CROWN

MR. NDERI NDUMA

FOR THE DEFENCE :

MR. T. NKAMBULE

JUDGEMENT

27/05/96

The accused has been charged with the crime of murder and when the charge was put to him he pleaded guilty to a lesser crime of culpable homicide which Mr Nkambule representing him confirmed as being his instructions.

Mr Nduma who is appearing for the Crown has also accepted the plea of guilty to culpable homicide.

The Crown then related the facts leading to the injury which resulted in the fatal wound which subsequently caused the death of the deceased.

He stated that this happened on the 1st July when the accused and deceased were involved in a game of gambling The deceased according to the facts had placed on the stake

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an amount of E10 and then the accused took the money and stated that the deceased owed him money. The deceased resisted this and said he did not owe the accused any money and the accused only gave the deceased E5 of the E10 that which deceased had placed on the stake.

A quarrel then ensued and there was a struggle of pushing each other. It is further stated that the accused then got hold of a knobstick which has been handed in as Exhibit 1 and delivered a blow on the deceased's head This landed on the deceased's head and he sustained a fracture to his scalp. He was then taken to hospital where he was admitted and died four days later.

There had been a post-mortem report which was handed in by consent as Exhibit 'A which substantially confirms the stated facts. There is also RSP88 which was completed by the physician which also confirms what has been stated by the Crown. The court has already referred to the knobstick which was handed in as Exhibit 1 and the court has had a look at it as well as the weight of the knobstick Exhibit 1. It is a fairly heavy knobstick the court finds that delivering a blow with that knobstick could in fact result in a fracture to any person's scalp

The court is satisfied that on the facts which has been

outlined the accused is guilty of culpable homicide and finds him guilty on his plea and as the Crown has also accepted the plea

J.M MATSEBULA

JUDGE