

IN THE HIGH COURT OF SWAZILAND

CREW. CASE. NO 7/97

IN THE MATTER BETWEEN

REX

VS

MBHENDZE SONGELWAKO MASANGO

CORAM

S.B. MAPHALALA - A J

FOR CROWN

MR J. MASEKO

FOR DEFENCE

MR N. J. HLOPHE

SENTENCE

(17/07/97)

I have taken all your personal circumstances into consideration in arriving at proper sentence in your case. I have taken all what your attorney Mr. Hlophe has just submitted to the court. That you are a first offender, and that you pleaded guilty to this offence and that this has greatly curtailed these pleadings. I have also taken into consideration that the circumstances of this offence and that you were both drunk. Also you are a forty-nine years old elderly man and that you were trying to chastise your wife and unfortunately she died. I must say that the court does not believe in the chastising of another human being using violence, and I feel that a custodial sentence in this case is proper to protect the interest of society.

Cases of this nature are escalating before this court, where men kill their wives in similar circumstances, and then they turn around that they were chastising them. I feel that the very idea of chastising another adult is a rather an old idea to be rejected. There are better ways of doing things and this country is known for solving its problem through dialogue. I fail to understand why men do not use this method when they are dealing with their wives. I am going to be harsh on you, and try to send a message to other men that this method of chastisement is outdated. We are approaching the twenty first century, but we still adhere to such archaic beliefs. I am going to impose a custodial sentence however; I am going to suspend a portion of that sentence. I am going to

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sentence you to eight years imprisonment and half the sentence is suspended for a period of three years on condition that you are not convicted of an offence in which violence is an element committed during the period of suspension. The sentence is backdated to the 10th August, 1996. It should also be noted that this offence you are faced with is culpable homicide and not murder.

S. B. MAPHALALA

ACTING JUDGE