

CRIM. CASE NO. 145/98

In the matter between

REX

Vs

MLENZANE MANDLELENI NKAMBULE

Coram:

For the Crown

For the Defence

S.B. MAPHALALA – J

MS LANGWENYA

MR. K. VILAKATI

JUDGEMENT
(15/03/99)

Maphalala J:

You are charged with the crime of murder. It is alleged by the crown that upon or about 1 May 1998, and at or near Mbosi area in the Shiselweni district, you did unlawfully and intentionally kill one Ngazane Matsebula. When this charge was put to you pleaded not guilty to murder but pleaded guilty to the crime of culpable homicide. Your attorney Mr. Vilakati confirmed your plea of guilty in respect of culpable homicide.

The crown as led by Ms. Langwenya read into the record a statement of agreed facts. I am not going to repeat the facts as related by Ms. Langwenya in the statement of agreed facts, as these are still fresh in our minds. The crown also applied that the postmortem report in respect of the deceased be entered as part of the crown's evidence. Mr. Vilakati did not object to this and the court accordingly enters the postmortem report as exhibit "A", and also the court finds you guilty in respect of the crime of culpable homicide.

SENTENCE

I have taken all your personal circumstances into consideration as submitted by your attorney Mr. Vilakati. Firstly Mr. Vilakati told the court that you are an elderly man between the age of 50 to 60 and that you were related to the deceased, your children were married to each other. I have also taken into consideration that you are a married man with eleven children and also that you have been in custody for almost a year now. I have also taken into consideration the circumstances surrounding the death of the deceased. It is clear to everybody that what happened on that unfortunate night was a tragic event, there is nothing we can do about it but it happened. I agree fully with Mr. Vilakati that the fact that you killed your in-law will hang heavily for the rest of your life. I do not think that a custodial sentence

would be meaningful in this case. You already spent almost a year in prison, I agree with Mr. Vilakati that a suspended sentence in this case would be appropriate

In the premise, I sentence you to five years imprisonment, the whole 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

S.B. MAPHALALA
JUDGE

