

CRIM. CASE NO. 15/2000

In the matter between

REX

Vs

MCINISELI CAWUCAWU LUKHELE

Coram
For the Crown
For the Defence

S.B. MAPHALALA – J
MRS. M. DLAMINI
IN PERSON

JUDGEMENT
(02/05/2000)

Maphalala J:

You are charged with the crime of culpable homicide. It is alleged that upon or about 17th July 1999, and at or near Ngwane Park area in the Manzini Region, you did unlawfully and wrongfully kill Njabulo Vilane and thereby committing the crime of culpable homicide. You pleaded guilty to the offence, and the crown as represented by Mrs. Dlamini accepted your plea of guilty. She then proceeded to read a statement of agreed facts. The statement of agreed facts relates the sequence of events leading to the death of the deceased and your participation in his demise.

In the circumstances the court finds you guilty of the offence of culpable homicide as the crown has proved the commission of the offence in terms of the provisions of the ***Criminal Procedure and Evidence Act (as amended)***.

SENTENCE

I have taken all your personal circumstances into consideration in arriving at a proper sentence in your case. Firstly, that you have pleaded guilty to this offence and that this shows remorse on your part, also I have taken into consideration that you are a first offender and that it was your first time to brush with the law. That you are 19 years old and have got two children with a spouse to support. I have also taken into

consideration the circumstances leading to the commission of the offence. It is clear to me that the act that you committed is purely accidentally. However, I must say that the killing of another human is always a serious matter. I feel that the sentence that is proper in this case is six (6) years imprisonment five (5) years of which is suspended for a period of three (3) years on condition that you are not convicted of an offence in which violence is an element committed during the period of suspension and the sentence is backdated to 18th July 1999. I thus sentence you as aforementioned.

S.B. MAPHALALA

JUDGE