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SWAZILAND HIGH COURT

Rex
vs
Ndlovu, Gamula Bonginkosi

Review Case 107/2000

Coram

Sapire, CJ

REVIEW JUDGMENT
(03/07/2000)

The proceedings in this matter originate from the subordinate court at Lubombo held at Tshaneni.

The accused was charged with two counts of housebreaking and the trial was conducted on the basis of these two counts. Indeed the Magistrate found that the accused was guilty of two counts. When the question of sentence arose he seems to have dealt with only one count. This is clearly incorrect and I am setting aside the proceedings in so far as the sentencing is concerned and remitting the matter to the Magistrate for imposition of the sentence on both counts on which the accused was found guilty.

The magistrate may reconsider the imposition of a more severe sentence.ⁱ


SAPIRE, CJ

Checked

ⁱ Checked