



## SWAZILAND HIGH COURT

REX

VS

**GAMA MAJAHEZITHENI**

*Cri. Review No. 14/2001*

Coram

Sapire, CJ

### **REVIEW JUDGMENT** (26/01/2001)

In this matter the accused was charged on three counts. The first count was one of fraud, the second count was one of forgery and the third was one of uttering a forged document. It is not clear to me whether this constituted an improper splitting of the charges but in any event no objection was taken on this ground and after summary evidence was led the accused, who was represented, changed his plea to guilty.

When originally called upon to plead, he pleaded on three counts and pleaded not guilty to all of them. It is to be presumed therefore that when the plea was changed it was on all three counts yet when the court came to sentence the accused after convicting him the sentence reads:

*“I sentence the accused to a fine of E2 000.00 in default of payment two years imprisonment backdated to 08/08/00.”*

The sentence does not indicate whether it applies to all the counts and if so why. The sentence seems inappropriate for what the magistrate described to be a large sum of money having been stolen.

In view of the uncertainty, the sentence is set aside, the matter is remitted to the Magistrate to impose a proper sentence. .

**SAPIRE, CJ**