



SWAZILAND HIGH COURT

In re

The King

V

Magagula Eric Sibonangaye

Mag crt Lubombo 44/2001
Review 44 2001

Review Judgment

Monday, April 29, 2002

After finding the Accused guilty on a count of house breaking and theft the presiding magistrate imposed the following sentence

“E1,800 fine or 13 months imprisonment in default of payment. Half the sentence to be suspended for two years on condition the accused is not arrested for similar offence”

The conditions of the suspension are improperly framed. Following the correct formula the sentence is altered to read

“Half the sentence is suspended for a period of two years, on condition that the accused is not hereafter found guilty of an offence involving,

*a) The breaking and entry of premises with intention to commit a crime there in,
and/or*

b) Theft

committed during the period of the suspension”

Save for this alteration the conviction and sentence are confirmed, and the proceedings are certified as being in accordance with real and substantive justice.

S W Sapire
Chief Justice

