



**THE HIGH COURT OF SWAZILAND BAKHE**

**DLAMINI Vs REX**

Criminal Case No. 16/2004

For the Applicant For  
the Respondent

MR. M. M. M. M.  
MR. M. M. M. M.  
MR. M. M. M. M.

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**JUDGMENT**

**(20/08/2004)**

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The application before court is for a reduction of bail granted by the Nhlngano Magistrate Court where the Applicant was granted bail of E8, 000-00. The Applicant with one other is charged with three (3) counts of robbery to the value E75, 178-00.

The Applicant in his handwritten application states, *inter alia* that he cannot afford the amount set by the Magistrate and he further outlines his personal circumstances to demonstrate that fact.

The Crown opposes the application for reduction of bail and the affidavit of the Crown Prosecutor Fana H. Bhembe is filed thereto. The said affidavit sets out the grounds of opposition and what emerges in the affidavit is that in the trial before the Magistrate Court three (3) witnesses have been led by the Crown. Since the commencement of the trial the Applicant has been represented by an attorney Mr. Bongani S. Dlamini. The said attorney has not withdrawn from the case. Further, it is averred that the Crown's case is so strong against the Applicant such that at the close of the Crown's case, the Applicant will be called to his defence.

Having considered all the facts of the matter and the submission made for and against the application for reduction of bail I am inclined to agree with the submissions made by **Mr. Dlamini** for the Crown that the matter be referred back to the Nhlngano Senior Magistrate who is trying the matter. The learned Senior Magistrate is well vested with the facts of the case.

In the result, the application is dismissed. I make no order as to costs.



S.B. MAPHALALA  
JUDGE