

**HELD AT MBABANE**

**CRIMINAL CASE NO. 126/2003**

**In the matter between:**

**REX**

**VERSUS**

**NHLONIPHO MASIMULA  
NCAMISO NGCAMPHALALA**

**CORAM**

**SHABANGU AJ**

**FOR CROWN FOR  
ACCUSED**

**S. FAKUDZE B.  
SIMELANE**

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**JUDGEMENT**

**29<sup>th</sup> March, 2004**

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You have been convicted of culpable homicide. It is a serious offence. Any sentence passed would have to reflect the interest of society in ensuring that the citizens of this country are protected from people with violent propensity. Taking into account the circumstances surrounding the commission of the offence, I take into account that the deceased was a much younger person than yourselves. And having regard to the postmortem report it seems to me that the force that was used was too much. I will also take into account that you are first offenders and that you have been in custody since 19<sup>th</sup> February, 2003. It seems to me that an appropriate sentence will be 5 years imprisonment. Two years of which is suspended for three years on condition that you are not found guilty of an offence during the period of suspension in respect which violence

~s an element. Your

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