

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE CRIMINAL

CASE NO. 126/2003

In the matter between:

REX

VERSUS

NHLONIPHO MASIMULA

NCAMISO NGCAMPHALALA

CORAM

SHABANGU AJ]

FOR CROWN

S. FAKUDZE

FOR ACCUSED

B. SIMELANE

JUDGEMENT

29th March, 2004

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 19th 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

Is an element. Your sentence will be back dated to the date of your arrest which is the 19th February, 2003.

ALEX ST SHABANGU

ACTING JUDGE