

THE HIGH COURT OF SWAZILAND

REX

Vs

NHLANHLA DLAMINI

Criminal Case No. 406/2002

Coram

MAPHALALA – J

For the Crown

W. DLAMINI

For the Accused

. GUMEDZE

SENTENCE (30/03/2004)

You have been charged with crime of murder. It is alleged that on or about the 5th August 2001 and at or near Guys and Sons Bar in Malkerns in the district of Manzini, the said accused did unlawfully and with the intention to kill, assault Mbuso Shongwe and inflict a knife wound upon him from which the said Mbuso Shongwe died on arrival at the Raleigh Fitkin Memorial Hospital on the 5th August 2001.

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I have taken your personal circumstances into consideration in arriving at a proper sentence in your case. I have considered what your attorney Mr Gumedze had submitted to the court. That at the time of the commission of the offence you were intoxicated. It also appears from the facts that you were provoked into this act. I was also told that you pleaded guilty to the offence, and thus showing that you are remorseful for what you have done. At the time of the commission of the offence you were a relatively young man of 18 years, and that you have been in custody since 5th August 2001. I have also considered the previous conviction that you have with the subordinate court of the Swazi National Court at Malkerns.

I want to tell you that this offence that you have committed is a very serious offence, where life has been lost, and this fact will always haunt you for the rest of your life.

In the circumstances of this case, I sentence you to 7 years imprisonment, 4 years of which is suspended for a period of three years on condition that you are not convicted of an offence in which violence is an element, committed during the period of suspension and the sentence is backdated to 5th August 2001.

S.B.MAPHALALA

JUDGE