

**THE HIGH COURT OF SWAZILAND**

**REX**

**Vs**

**FANA MDUDUZI MKHWANAZI**

**Criminal Case No. 148/2004**

Coram: S.B MAPHALALA - J

For the Crown J: MR. S. FAKUDZE

For the Defence: IN PERSON

**SENTENCE**

**(12/04/2005)**

[1] The accused person has been convicted of the crime of culpable homicide that he has killed his lover whom he has a child with. The facts of the matter are that on the day in question the deceased was asking the accused to provide maintenance for the minor child until accused lost his temper and produced a knife and then stabbed her to death. This occurred at a drinking spot. It is also revealed in evidence that the accused then ran away and was apprehended days later.

[2] At this stage my task is to mete out a proper sentence in the circumstances. I have considered all the three elements of the **triad** viz i) the interest of the accused ii) the nature of the offence and iii) the interest of society. There are far too many cases before this court where knives are used in drinking places. In the present case there is no justification at all for the accused to have used a knife on a woman. His actions were totally irresponsible and should attract a sever sentence.

[3] In the totality of the facts before me I sentence the accused to eight (8) years imprisonment, three (3) years of which is suspended for a period of three (3) years on condition that the accused is not convicted of an offence in which violence is an element committed during a period of suspension. The sentence is backdated to the 12<sup>m</sup> October 2003.

S.B. MAPHALALA

JUDGE