

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 100/04

In the matter between:

REX

VS

GWECE MANDLA SIM ELANE

CORAM: Q.M. MABUZA-AJ.

FOR CROWN: MR. S. FAKUDZE

FOR ACCUSED: IN PERSON

SENTENCE 3/2/06

In the present case the accused person pleaded guilty to the lesser crime of culpable homicide. The crown accepted the plea and the matter proceeded in a normal way.

This is a serious crime where life has been lost in what is now becoming common place viz: "stabbing cases".

In passing sentence I have to consider three factors:

The crime, the personal circumstances of the offender and the interest of

society.

The crime of culpable homicide is very serious. In this instance it is made so by the fact that the accused stabbed the deceased which resulted in the deceased's death.

It is puzzling to me why a mature person of 35 years of age should walk around with a dangerous weapon such as a knife especially at a drinking session when temperaments easily change due to the effect of alcohol.

I have also considered your personal circumstances viz.: That you are a 1st offender.

That you are 35 years of age. You have 6 dependents as well as your mother who is old and unemployed. That you spent 9 months in custody before you were admitted to bail.

That you are remorseful for what you have done. As punishment I have also considered the interests of society.

Everyone has a right to life and this right must be sacredly guarded. The courts are there to guard this right and to punish offenders thereof.

Stabbing cases are prevalent and gaining momentum daily and this must be stopped. Other would be perpetrators must be given a strong warning that courts will not tolerate this careless attitude of taking peoples lives so easily.

The accused is sentenced to seven (7) years imprisonment 4 years of which are suspended for a period of 3 years on condition that the accused is not convicted of an offence in which violence is an element committed during the period of suspension. The sentence is backdated to the 1st May 2005.

Q.M. MABUZA

ACTING JUDGE