

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 266/05

In the matter between:

REX

VS

THEMBA MDUDUZI SIKHONDZE

CORAM: Q.M. MABUZA-AJ

FOR THE CROWN: MR. S. FAKUDZE

FOR ACCUSED: IN PERSON

SENTENCE 3/2/06

I have already found you guilty of culpable homicide in this case. What remains for me is to impose a sentence which would be appropriate in the circumstances of the accused person and also one which meets the expectations of society.

The personal circumstances of the accused are that:

The accused is a first offender. He is 21 years old. He is responsible for the care of two children of his late sister who live with his mother. His

mother is unemployed. That the deceased and you were room mates at the farm compound where you were employed. That before the deceased was stabbed he and one Sandile Dlamini ganged up against you in a fight and you went and armed yourself with a knife and stabbed the deceased on the neck.

I do not know why you did not flee. I do not have a medical report to give me an idea what size of knife was used.

And to the family of the deceased you have my sympathies. The court cannot bring back your son but can make sure that the punishment fits the crime and thereby serve the interests of society.

The accused is sentenced to 7 years imprisonment 3 years of which are 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 the period of suspension. The sentence is backdated to 28th November 2003.

ACTING JUDGE **Q. M. MABUZA**