

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 62/04

In the matter between:

REX

VS

PAULOS BALOYI

CORAM : Q.M. MABUZA-AJ

FOR CROWN : MR. S. FAKUDZE

FOR ACCUSED : IN PERSON

SENTENCE 9/2/06

The accused appeared before me on the 3rd February 2006. He was unrepresented. The charges were put to him and he pleaded guilty to all 5 counts and the Crown accepted the pleas. I indicated that I would pass sentence today. I now do so. I have taken your personal circumstances into account. That you are a first offender, you are still very young and that you are remorseful. Even that you pleaded guilty. I have also considered that your girlfriend had a previous boyfriend that she kept visiting. In spite of your asking her to cut off links with him she did not. That she kept moving from you to him and back to you. Even when you tried to break the relationship off and get another girlfriend. She was violent towards your new friend.

Notwithstanding all that I have also considered that you were motivated by jealousy but you had no right to take the law into your hands and to burn them. You almost killed three people by using a very cruel method of death.

I have to discourage all potential arsonists that playing with fire is a dangerous passtime. You risk killing innocent people.

Count 1 (attempted murder)

The accused is sentenced to 6 years imprisonment 3 years of which are suspended for 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.

Count 2 (arson)

The accused is sentenced to 4 years imprisonment 2 years of which are suspended for 3 years on condition that the accused is not convicted of an offence in which damage to another's property is an element committed during the period of suspension.

Count 3 (attempted murder)

The accused is sentenced to 6 years imprisonment 3 years of which are suspended for 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.

Count 4 (attempted murder)

The accused is sentenced to 6 years imprisonment 3 of which are suspended for 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.

Count 5 (contravening Immigration Act)

The accused is sentenced to 6 months imprisonment.

The sentences are to run concurrently and in terms of Section 318 of Act 67/ 1938 the sentence backdated to the 7/07/2003.

Q.M. MABUZA

JUDGE