

IN THE HIGH COURT OF SWAZILAND

REVIEW CASE NO. 78/07

In the matter between

REX

VS

DUDU SIKHONDZE

ACCUSED

CORAM

MABUZA J

MAMBA J

JUDGEMENT

28th AUGUST. 2007

MAMBA J

[1] On the 25th June, 2007 the Accused, who was unrepresented pleaded guilty to and was found guilty of a contravention of Section 102(1) as read with Section 124 (2) (a) of the Road Traffic Act 6 of 1965 (as amended) in that being the owner of certain cattle or bovine he had unlawfully and intentionally left or allowed some of his cattle to be on a public road where the section is, along both sides, fenced or enclosed. This is alleged to have occurred near Riders Ranch at Sidvokodvo along the MR9 public road.

[2] He was sentenced to pay a fine of E800.00 or in default thereof to undergo a term of imprisonment for a period of eight (8) months. He was a first offender.

[3] The maximum sentence laid down in Section 124(2) (a) of the Road Traffic Act for a first conviction is a fine of E200.00 or, in default of payment, imprisonment for a period of three (3) months or both.

[4] From the above, it is clear to me that whilst the Accused was properly convicted, the sentence imposed on him was improper or incompetent - it was more than that provided in the Act and is therefore set aside.

[5] The matter is remitted to the trial Magistrate to impose sentence anew in accordance with the provisions of section 124(2)(a) of the Road Traffic Act





MABUZA J