



**THE HIGH COURT OF  
SWAZILAND**

HELD AT MBABANE

Criminal Case No. 89/2006

In the matter between

REX

Vs

VUSI MADZALULA MASILELA

Coram

Banda, CJ

For the Crown

Mr. Maseko

For the Accused

Mr. S. Simelane

JUDGMENT

[1] The accused appeared before this court on a charge of murder. It was alleged that he had  
kill one Bhulumdaka Dakane Dlamini. The accused

pleaded not guilty to murder but offered to plead guilty to culpable homicide. Learned counsel who appeared for the Crown accepted the plea which was confirmed by learned counsel for the accused.

[2] A statement of agreed facts was read as part of the case and the postmortem report was, by consent, produced as part of the case, too. The accused was accordingly found guilty on his own plea and was convicted.

[3] Learned counsel for the accused informed the court, in mitigation, that the accused by pleading guilty did not waste court's time and it was a mark of remorse for what he had done. Counsel further informed the court that death occurred as a result of a fight which erupted at drinking place and urged the court to show leniency towards the accused when imposing sentence. The accused had been working for a construction company in South Africa and from the salary he was able to fend for his family of a wife and two minor children.

[4] The court has considered the number of points taken on behalf of the accused in mitigation of sentence. But unhappily violent offences which end in death are becoming prevalent in the country. It is therefore the duty of these courts to ensure that purposeful sentences

are imposed which will not only punish the accused but also which will have the potential to deter others who may be tempted to commit similar offences. Society needs to be protected from violent people who readily lose their tempers like the accused did in this case. A custodial sentence is properly warranted in this case and the accused is sentenced to ten (10) years with effect from 3<sup>rd</sup> February 2006.

Pronounced in open court sitting at Mbabane on this 5<sup>th</sup> day of September 2007.

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above the printed name.

R.A. BANDA

CHIEF JUSTICE