

THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Criminal Case No. 151/2007

In the matter between

REX

vs

LUKE LUCKY MHLANGA Defendant

Coram: Banda, CJ

For the Plaintiff : Mr. M. Simelane

For the Respondent: In Person

JUDGMENT

[1] The accused was tried by a subordinate court in the District of Lubombo sitting at Siphofaneni on two counts. On the first count he was charged with the offence of rape and on the second count he was charged with the offence of robbery. It was alleged on the first count that the accused unlawfully and intentionally had sexual intercourse with one Nomvula Dladla. It was alleged on the second count that the accused did unlawfully and intentionally, using force and violence to induce submission by Samkelisiwe Simelane, took and stole a Nokia 1100 cellphone valued at E700 together with E20.00 cash. The accused pleaded guilty to the robbery charge. After a full trial the accused was also found guilty on the first count. He was accordingly convicted on both counts. The case is before this court for sentence only.

[2] I have considered the points in mitigation which the accused has raised before me. He has informed me that he has minor children who were left in the custody of his mother. He has received information that the mother is now dead and he does not know where his children are now. This case was committed with aggravating circumstances. The complainant was dragged into a bush where she was subjected to violent attack which tore her underpants and petticoat. She was repeatedly raped and each time she was threatened with a knife. This is a proper case, in my judgment, in which a custodial sentence is warranted. The accused will serve a term of imprisonment of ten (10) years on the first count and five (5) years term of imprisonment on the second count. The sentences will run concurrently.

Pronounced at the High Court sitting at Mbabane on the 18 day of June 2007.

R.A. BANDA
CHIEF JUSTICE