



THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CRIMINAL TRIAL NUMBER 234/2006

In the matter of

REX

vs

THULANI BOB MATSABATSA

Defendant

Coram

BANDA CJ

For the Crown

M. Dlamini, DPP

For the Defendant


Mr. M. Mabila

JUDGMENT

[1] The accused is charged with one count of murder and one count of assault with intent to do grievous bodily harm. The accused pleaded not guilty to the charge of murder but was prepared to plead guilty to the lesser offence of culpable homicide. He also pleaded guilty to the count of assault with intent to do grievous bodily harm. The learned Director of Public Prosecutions accepted both pleas of guilty. A statement of agreed facts was produced to support the pleas and it is marked Ex "A" in these proceedings. A

medical report was also produced and is marked Ex "B" in these proceedings. The medical report shows that the deceased received a number of stab wounds in the neck and in the heart. There were further injuries in the oesophagus and trachea. These are serious injuries by any description. I am satisfied and find that the agreed facts and the medical report support the pleas of guilty which the prosecution have accepted. Accordingly I found the accused guilty on the first count of culpable homicide and convicted him. Similarly I found the accused guilty on the second count of assault with intent to cause grievous bodily harm and convicted him.

[2] I have considered what the accused has said in mitigation of sentence. He has informed me that he is the sole breadwinner in the family with children who are staying with his mother after the father died. He is a first offender. This is a serious offence. The deceased suffered a number of injuries to the neck and in the heart. The accused should consider himself fortunate that the prosecution accepted his plea of guilty to the lesser offence of culpable homicide. The facts would have amply supported a charge of murder against him. I take into account that he pleaded guilty to both counts and did not therefore waste court's time. In the first count he is sentenced to a term of imprisonment of nine (9) years and four (4) years on the second count. The sentences will run concurrently.



R.A. DINDI CHIEF JUSTICE

Pronounced at the High Court sitting at Mbabane on this 15th day
of June 2007