



**THE HIGH COURT OF
SWAZILAND**

HELD AT MBABANE

CRIMINAL CASE NO. 130/2005

In the matter between

RE X

v

OBED MBAZO SIMELANE

Coram

For the Crown

For the Accused

Banda, CJ

Mr. Fakudz

e

Unrepresented

JUDGMENT

[1] The accused was originally charged with two counts, one of attempted murder and robbery. At the beginning of the trial learned counsel for the Crown informed the

court that the Crown was withdrawing the charge of attempted murder. The accused was accordingly discharged and acquitted of the offence of attempted murder.

[2] The accused offered to plead guilty to the charge of robbery. Learned counsel for the Crown accepted the plea and he read a statement of agreed facts as part of his case. The accused accepted the facts and was found guilty on his own plea and was convicted.

[3] The accused is a first offender and has been in custody since his arrest on 3rd

complete remorse for what he did and has promised to be of good behaviour and not to commit any further offences. He informed the court that he has young children at home who are in the care of his old mother. His father passed away. I have considered these points in mitigation of sentence. The offence of robbery which he committed was not a very serious one

and the period of four years which he has spent on

remand is, in my judgment, sufficient

punishment for the offence he committed. In

the circumstances the accused is

sentenced to a term of imprisonment of four (4) years to take effect from the date he was taken into custody. The effect of this sentence is

that the accused will be released from prison in the nearfuture.Pronounced

A handwritten signature in black ink, appearing to read 'R.A. Banda', written over a horizontal line.

R.A. BANDA

CHIEF JUSTICE