

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CRIMINAL TRIAL NO. 93/08

In the matter between:

REX

VS

SIPHO MANANA

CORAM: MONAGENG, J

FOR CROWN: MR. STAN DLAMINI

ACCUSED: PRESENT - IN PERSON

JUDGMENT

8ND APRIL 2008

[1] The accused man has pleaded guilty to the offence of culpable homicide following the killing of one Mandla Shongwe, by him. His plea was accepted by the representative of the Crown.

[2] In mitigation the accused had this to say:

"It was not my intention to kill the accused. It was a mistake. It was my first time to commit an offence. Before I was incarcerated I collected wood and sold it alongside the road. I am 26 years old."

[3] STATE COUNSEL

These kinds of offences where life is lost over cigarettes is very prevalent in the Swazi society and the Court should really stamp its authority to finish them off.

[4] SENTENCE

In this particular case, it is clear to me from the nature of the injuries that resulted from the stabbing, that the accused should have known that there was a likelihood of the deceased dying, but was reckless in his behaviour. He stabbed the deceased twice and penetrated both his lungs. I, however, take cognizance of his mitigation. He is a first offender who has pleaded guilty and who seems to be remorseful.

[5] Courts are called upon to pass not only

appropriate

sentences, but those that will deter the accused from further committing such offences, and also send a very strong message to would-be offenders outside this Court that crime does not pay. The use of lethal weapons, especially the knife, has become fashionable among young people. Drinking, followed by fights, is the order of the day and life has become very cheap in Swaziland.

[6] Offenders should not only pay for their deeds but they should be seen to paying for them. The accused, regard being had to his mitigation, is sentenced to 8 years imprisonment of which 3 years, shall be suspended for a period of 3 years on condition that he is not convicted of any offence of which violence, especially with a lethal weapon, is an element. The sentence shall run from 25th August 2006. Right of appeal within 14 days against sentence only explained.

S.M. MONAGENG
JUDGE