

IN THE HIGH COURT OF SWAZILAN

HELD AT MBABANE

CRIMINAL TRIAL NO. 114/08

In the matter between:

REX

VS

MNCEDISI SHONGWE

CORAM: MONAGENG, J

FOR CROWN: MR. THABISO MASINA

ACCUSED: PRESENT IN PERSON

JUDGMENT

12th JUNE 2008

[1] In this matter the accused person pleaded guilty to the criminal offence of culpable homicide, it being alleged that on the 7th October 2007, he killed Wandile Dlamini.

[2] In mitigation the accused said it was not his intention to kill the deceased. He was protecting himself and he lost his teeth during the scuffle and he is sorry for what he did.

[3] In this matter the accused was negligent in his killing of the deceased and this killing was unlawful. This is another case where the accused and the deceased were both drunk and were both involved in irresponsible and unbecoming behaviour, which unfortunately led to the death of the deceased.

[4] Young members of this society seem to have gone on the rampage where they seem to spend all their time drinking. Unfortunately the consequences will always be life changing like in this case. The accused has pleaded guilty, he seems to be remorseful and it also seems that the deceased carries some culpability in this matter.

[5] However, the accused should have known that he was likely to kill the deceased when he struck him with a bottle. He is a young man who might rehabilitate.

[6] I have taken all this mitigation into account and sentence him as follows:

1. He is sentenced to 7 years imprisonment.
2. 3 years shall be suspended for a period of 3 years on condition that he is not convicted of any offence of which violence of any kind especially coupled with the use of a lethal weapon is an element.
3. The sentence shall take effect from 8th October 2007.
4. Right of appeal against severity of sentence only.

MONAGENG, J

JUDGE