

IN THE HIGH COURT OF SWAZILAND

CRIMINAL CASE No. 327/07

In the matter between

JULUKA SABELO MGABHI

VS

REX

CORAM: S.M MONAGENG J

FOR THE CROWN: MR. P. MDLULI

FOR ACCUSED: PRESENT IN PERSON

**SENTENCE
22 AUGUST 2008**

[1] The accused was initially charged with murder but pleaded guilty to culpable homicide which plea was accepted by the Crown.

[2] The facts of this case are quite painful to say the least. This was a minor girl who had a relationship with the accused and obviously reached a stage where she wanted to terminate the love relationship. This was unacceptable to the accused who used force to resist the termination. He should know that women have a right to do as they please with their feelings and bodies. The way he reacted on mere suspicion that she had another lover induces a sense of shock. He should know that he cannot own another human being.

[3] In anger he hanged her on a tree as punishment and he should have known that by hanging her she might die, but he recklessly went ahead and hanged her. I have considered that he is a first offender who has pleaded guilty. At the time of the commission of this offence, he was only 19 years old and youthful exuberances could have played a part in the commission of this heinous offence.

[4] He is sentenced to 8 years imprisonment, 2 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 nature is an element during the three years.

[5] The sentence shall be back dated to 16th April 2006.

Right of appeal against the sentence only.

**S.M MONAGENG
JUDGE**