



## **IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CRIMINAL CASE NO. 32/2008

In the matter between:

**REX**

and

**SANDILE MAZIYA**

CORAM : Q.M. MABUZA -J  
FOR THE CROWN : MR. S. DLAMINI  
FOR THE ACCUSED : MR. S. BHEMBE

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### **JUDGMENT ON SENTENCE 26/3/08**

[1] The Accused pleaded guilty to the crime of culpable homicide. The Crown accepted the plea and Mr. Bhembe confirmed that this was consistent with his instructions and I found him guilty of the offence of culpable homicide.

- [2] A statement of agreed facts was read into the record and filed off record (Exh. 1) so too was the post mortem report (Exh. 2).
- [3] Mr. Bhembe who represented the Accused addressed me in mitigation after the Prosecutor had advised me that the Accused was a first offender and had no previous convictions.
- [4] Mr. Bhembe stated in mitigation that the Accused had pled guilty and had not wasted the Court's time in a protracted trial. That the circumstances of this case were that the Accused and his girlfriend had been drinking from 3.00 p.m. to 7.00 p.m. on the material day. The incident of stabbing the deceased occurred at about 7.00 p.m. The incident had happened at a drinking spot. The Accused was remorseful as the deceased was well known to him as they were neighbours. This fact would haunt the Accused for the rest of his life. The Accused was self-employed as a bricklayer prior to his arrest. He has two minor children. He is 31 years old.
- [5] In passing sentence I have taken the above mitigation into account. I have also taken into account the victim's family. They have lost a loved one over a minor incident. I have also looked at the nature of the

crime. It has become so common for people to carry dangerous weapons when they go drinking and at the slightest provocation use that weapon fatally. I have also looked at the interests of society. Society expects the courts to deal with cases where there is loss of life in a just manner.

[6] The sentence of this Court is: 8 years imprisonment 3 years of which are suspended for a period of 3 years on condition the Accused is not convicted of a crime of which assault is an element. The sentence is backdated to the 8/01/2007 the date on which the Accused was arrested.

[7] You have a right of appeal against the sentence. Rights of appeal explained to the Accused.

**Q.M. MABUZA -J**