

THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Criminal Case No. 2/2005

In the matter between

REX

Vs

SIFISO LAWRENCE NKOMO

Coram: Banda, CJ

For the Crown: S. Fakudze

Accused present: Unrepresented

JUDGMENT

[1] The accused was charged with the offence of culpable homicide to which he readily pleaded guilty. It was alleged that on or about 25th December 2004 at or near ka Khoza area in the District of Manzini the accused did unlawfully kill Mxolisi Sigidi Dlamini. The Crown accepted the plea and a statement of agreed facts was read to be part of the evidence. The accused was accordingly found guilty and convicted.

[2] The accused, who was unrepresented, asked the court to be lenient with him and stated that he committed the offence after he had taken some beer. He informed the court that he was sorry for what he had done and that he was apologetic to the court and to the family of the deceased and that what he

had done will continue to affect his mind for a long time to come. The accused is a first offender and he is only twenty four (24) years old.

[3] I have carefully considered the points of mitigation which the accused has raised in his favour but this was a serious offence. Someone's life has been lost for ever. While I have to consider the interests of the accused it is also the duty of this court to consider the gravity of the offence and the interests of society which demand that those who offend against the law must be punished. However the accused is a first offender and he is a young man of only twenty four years old. He has expressed complete remorse for what he did and he has expressed contrite apologies to the family of the deceased. However I find that this is an offence which warrants a custodial sentence without an option of a fine.

The accused will serve a term of imprisonment of six (6) years with effect from today 25th February 2008.

Pronounced in the open at the High Court sitting at Mbabane on this 25th day of February 2008.

R.A. BANDA
CHIEF JUSTICE