

THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CRIMINAL TRIAL NO. 23/2006

In the matter between:

REX

VS

SITHEMBISO SIMELANE

KHEHLA DLAMINI MLUNGISI

MONDLANE

CORAM

BANDA, CJ

FOR THE CROWN

MR. MAKHANYA

MR. SIMELANE

FOR THE DEFENDANTS

PRESENT IN PERSON

SENTENCE

16 JUNE 2009

BANDA CJ

[1] I have considered the points in mitigation which each of the accused has made before sentence. In imposing this sentence I have considered the interests of the accused, the gravity of the offence and the interest of the community which demand that those who offend against society must be punished. It is my considered view that any meaningful sentence must combine the elements of retribution and reformation. People who commit serious offences must be made to realise that crime does not pay.

[2] A sentence must also have a deterred element which will ensure that not only the particular accused does not offend again but that those who might be tempted to commit similar offences should know that similar fate awaits them.

[3] The accused person in this case committed serious offences of robbery over a period of time using a dangerous weapon. They terrorised people in the buses and taxis. They are clearly dangerous criminals who must be isolated from society for a long period. They are not first offenders although I note that the previous conviction was committed outside this jurisdiction. During the trial they showed no sense of remorse or contention. They behaved as if they had the right and licence to terrorise people. The sentence will be as follows:

Counts 1 - 7 = 5 years each

Counts 8 - 12 = where more violence was used the sentence will be 10 years for each accused to run concurrently to each other. The sentences on counts 1 -7 will run concurrently to each other but will run consecutively to the concurrent sentences on counts 8 -12. The first accused will serve a sentence of 12 months each on counts 14 and 15 both will run concurrent to each other but consecutive to sentences on counts 8 -12.

Summary

The first accused will serve a total of 16 (sixteen) years; the second accused will serve a total sentence of 15 years.

R.A. BANDA
CHIEF JUSTICE