

# THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Crim. Appeal No. 2/2009

In the matter between

AMOS SIPHAKAHLA DLAMINI

VS

REX

Coram

Banda, CJ

Mabuza, J

For Appellant

L. Hlophe

For the Crown

Present in person

## JUDGMENT

BANDA, CJ

[1] The appellant was convicted on charges of rape, common assault and theft by the Magistrate's Court

Manzini. He was sentenced to a total term of imprisonment of eight (8) years.

[2] The appellant's appeal is against sentence and the only point he has taken on appeal is to contend that the sentence should take effect from the date of his arrest. The trial court had, in fact, ordered that the sentences should take effect from the date of his arrest. Ms Hlophe, learned counsel for

the Crown, has informed this court that the committal warrant did not reflect the trial court's order that the sentences should take effect from the date of the appellant's arrest. In order to correct that omission it is now ordered that the appellant's sentences in criminal case no. ML 16/07 should take effect from 4<sup>th</sup> February 2007. This order should be sent to the Correctional Services Centre where the appellant is held.

Pronounced in open court *on 21 August 2009* sitting at  
Mbabane

BANDA CJ

I agree

MABUZA, J