

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CRIM. APP. CASE NO.21/07

In the matter

between: THE KING

VERSUS

BHEKITHEMBA KUNENE

APPELLANT

Date of Consideration: 12 October, 2009

Date of Judgment: 12 October, 2009

ORDER ON APPEAL

MASUKU J.

[1] The above-named person was charged with two counts of rape and assault with intent to cause grievous bodily harm. He was convicted by the Principal Magistrate sitting in Nhlanguano on both counts.

[2] Inexplicably, the learned trial Magistrate did not, in her judgment on sentence appear to deal at all with count

relating to the assault and as such no sentence was meted out in relation to that count.

[3] The learned Principal Magistrate is accordingly ordered, within fourteen (14) days of receipt of this Order, to clarify the position in order to enable this Court to finalise the appeal.

DELIVERED IN CHAMBERS IN MBABANE ON THIS 12TH DAY OF OCTOBER, 2009.

T.S. MASUKU

JUDGE