

IN THE HIGH COURT OF SWAZILAND
HELD AT MBABANE

REVIEW CASE NO. 856 OF 2008
District Record No. MPT 1188 of
2008

In the matter between:

THE KING VERSUS

ZAKEU TIVANE

Date of consideration: 26 January, 2009.

Date of order: 26 January, 2009.

ORDER ON REVIEW

MASUKU J.

1. Upon his own plea of guilty, the accused was convicted by the Manzini Magistrate's Court of the contravention of section 90, as read with section 122 (6) (a) of the Road Traffic Act, No. 6 of 2007, it being alleged that on 04 November, 2008, the accused person, then driving a motor vehicle registered SD 510 RM, a Toyota Cressida sedan, wrongfully, unlawfully and inconsiderately drove the said vehicle upon a public road and knocked a motor vehicle SD 093 ZN.
2. There is one issue that immediately caught my attention as I perused and considered the record of proceedings. Upon pleading, the accused appears, without further ado, to have been convicted of the offence charged in the absence of facts supporting the conviction. He was thereupon sentenced to a fine of E1000.00 or in default of payment of the same, to 10 months' imprisonment.


3. I cannot, in the premises, without being furnished with the facts upon which the accused's conviction was predicated, form an opinion on the question whether the proceedings in question do accord with real and substantial justice.

4. In the circumstances, I issue the following Order:

4.1 The Clerk of Court of the Manzini Magistrate's Court be and is hereby ordered to dispatch to the Registrar of this Court within 14 days of the receipt of this Order, a record of the facts upon which the conviction of the above-named accused person was predicated, whether these facts were proved by the State or admitted by the accused person.

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DATED AT MBABANE ON THIS THE 26TH DAY OF JANUARY, 2009.



T. S. MASUKU
JUDGE