

IN THE HIGH COURT OF SWAZILAND
HELD AT MBABANE

REVIEW CASE NO. 859 OF 2008 District
Record Case No. ML 110 of 2008

In the matter between:

THE KING

VERSUS

MELUSI NTOKOZO DLAMINI

Date of consideration: 26 January, 2009.

Date of Order: 27 January, 2009.

ORDER ON REVIEW

MASUKU J.

1. The above-named accused person from Nyakatfo area was convicted by the Magistrate's Court, sitting at Mliba of the offence of abduction. It was alleged that the accused wrongfully and unlawfully and intentionally took and abducted Phumaphi Fakudze, a minor female of 16 years out of the control and against the will of her father and lawful guardian Meshack Fakudze, with the intention of marrying her or having sexual intercourse with her.

2. The accused, having been advised of his rights to legal representation, pleaded guilty to the offence charged and upon conviction, he was sentenced to a fine of E1000.00 or, in default, imprisonment for a period of 12 months. The matter now serves before me on automatic review, as required by law.

3. Upon perusing the record of proceedings, I noted that once the accused had pleaded guilty, the prosecution accepted the plea and the Court thereupon proceeded to return the guilty verdict that it did. What appears ominously from the record is that there appears to be no facts, other than the accused's plea, on which the conviction was predicated.

4. It is imperative, before this Court can express its opinion whether the proceedings were conducted in accordance with substantial justice, for this Court to be apprised of the facts upon which the verdict was returned, whether these facts were proved by the prosecution or were admitted by the accused.

5. In the premises, I issue the following order:

5.1 The Clerk of the Manzini Magistrate's Court is hereby required within 14 days of the receipt of this Order, to transmit to this Court a record of the facts upon which the

conviction of the accused person in the instant case was predicated.

DATED AT MBABANE ON THIS THE 27TH DAY OF JANUARY, 2009.