

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

**REVIEW CASE NO.07 OF 2009 District
Record No. B.113 of 2008**

In the matter between:

THE KING

VERSUS

MBHEKWA DLAMINI

**REVIEW CASE NO.6 OF 2009 District
Record No.MPT 1246 of 2008**

THE KING

VERSUS

ELPHAS SIBUSISO NHLABATSI

Date of consideration: 20 February, 2009

Date of judgment: 20 February, 2009

JUDGMENT ON REVIEW

MASUKU J.

[1] The above accused persons were charged with the offences of assault with intent to cause grievous bodily harm and contravention of certain provisions of the Road Traffic Act, 2007 respectively.

[2] I have decided to make a composite order in respect of both for the reason that the issue I intend to raise is common to both.

[3] Both accused persons pleaded guilty and were convicted on the basis of their aforesaid pleas. The Crown did not, it would appear, lead any evidence to prove the commission of the offence nor did the accused persons admit any facts upon which the conviction could be predicated.

[4] The learned Magistrate is, in the circumstances required, within 14 days of the service of this Order to:

4.1 furnish to the Registrar of this Court the basis for the conviction of the accused persons apart from their respective pleas of guilty.

DATED AT MBABANE ON THIS 19th DAY OF FEBRUARY, 2008.

T.S. Masuku

Judge