



IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CRIM. CASE NO. 272/2009

In the matter between:

REX

v

BONGINKOSI MHLLOLO GINA

<u>CORAM</u>	:	Q.M. MABUZA -J
FOR THE CROWN	:	MR. M. MATHUNJWA OF THE DIRECTORATE OF PUBLIC PROSECUTIONS
FOR THE ACCUSED	:	IN PERSON

JUDGMENT ON SENTENCE

9/8/10

[1] The Accused was convicted by this Court of the offences of attempted murder and arson on the 29/7/10.

[2] In mitigation he stated that he was a first offender. He was 27 years old having been born during 1983. He

has two minor children; the firstborn is 7 years old and the second born (Ayanda) is 6 years old. He would like to be released so that he could look after his children. His mother is 63 years old; she is old and needs his support. He has siblings who are younger than him that he need his help and support. His father is deceased. Before his arrest he was employed as a mechanic at Build-It; Nhlanguano.

[3] He stated that he was remorseful and that he had learnt his lesson. He would never again darken the walls of this or any other court as he had learnt not to take the law into his hands whenever he faced challenges.

[4] In passing sentence I have taken into account the above submissions. The Accused is a young man and first offender; he can still turn his life around. I have taken into account that the Accused had a love relationship with PW1, Nomcebo Hadebe; which relationship had ended. Whatever the cause was that brought it to an end, there is always some acrimony after a relationship ends. This acrimony can cause a party to act such as the Accused did with dire consequences. I have taken in his favour the fact that he pleaded guilty to arson.

- [5] I have also taken into account the fact that the Accused almost caused the death of seven people and he set light to a bedroom and its contents; causing untold damage to Johnson Mzinyane's property.
- [6] I have further taken the offences as one for purposes of sentence. In the event the Accused is sentenced to seven (7) years imprisonment without an option of a fine; two years thereof to be suspended for one year on condition he is not found guilty of any offence of which assault and or arson are an element. The sentence is backdated to the 24th September 2008. Rights of appeal and review explained.

Q.M. MABUZA
JUDGE OF THE HIGH COURT OF SWAZILAND