

**N THE HIGH COURT OF SWAZILAND**

**JUDGMENT**

Criminal Case No.317/2007

In the matter between:

**REX**

**Applicant**

**VS**

**PATRICK MASWAZI DLAMINI**

**Respondent**

**Neutral citation: *Rex vs Patrick Maswazi (317/2007) [SZHC209A] [2013] [23rd August 2013]***

Coram : **MAPHALALA PJ**

Heard : **7<sup>th</sup> August 2013**

Delivered : **23rd August 2013**

For the Crown : **Mr. A. Makhanya**

For the Accused : **Mr. S. Nkosi**

Summary: Ruling

## **RULING**

[1] At the close of the evidence of the parties before this court where a date for submission has been set by the court and agreed by the attorneys of parties.

[2] The Crown made an Application in terms of section 145 of the *Criminal Procedure and Evidence Act* which provides as follows:

“145. If the accused is indicted in the High Court after having been admitted to bail his plea to the indictment shall, unless the court otherwise directs, have the effect of terminating his bail and he shall thereupon be detained in custody until the conclusion of the trial in the same manner in every respect as if he had not been admitted to bail.”

[3] I have considered the arguments of Mr. Nkosi for the accused and that of Mr. Makhanya for the Crown in exercise of my discretion under the section in view of the weight of the evidence adduced in this case. It is my considered view that the accused be kept in custody under the section in the interest of justice.

**STANLEY B. MAPHALALA**

**PRINCIPAL JUDGE**