

IN THE HIGH COURT OF ESWATINI

JUDGMENT

In the matter Between:

Case No. 271/2022

THE KING

VS

SIPHO SHABANGU

Neutral citation : *The King vs Sipho Shabangu (271/2022) [2024] SZHC 122 (23rd August, 2024)*

Coram : **M. Dlamini J**

Heard : **21st December, 2023**

Delivered : **23rd August, 2024**

SENTENCE

[1] The accused stands convicted of statutory rape.

Mitigation

[2] It was submitted on behalf of applicant that he was a first offender. It was therefore easy to rehabilitate him. He cooperated with the police during his arrest. This was a sign of remorse. He was a sickly person with a heart challenge. Following his arrest, no one was residing at his parental home. His parental home was exposed to criminals. He was unmarried with four children from two different mothers. The mother of his first born child was residing in South Africa. There was therefore

no one to take care of the first born child. He was unemployed but did piece meal jobs.

Aggravating circumstances

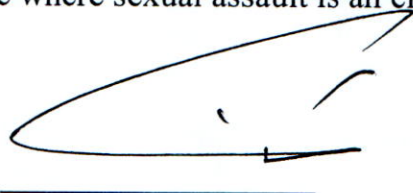
- [3] Accused was facing a statutory rape of a fourteen year old. He did not use a condom. He raped the child more than once. Accused's unlawful act over the complainant affected complainant in a negative way. She did not only fail to perform accordingly but also had to drop out of school. Complainant was threatened by accused with death if she divulged that she had been raped. Accused was 26 years old while his victim 14 years old.

Society's view

- [4] The rape incidents are escalating by day. It appears that the courts' sentences do not deter would be offenders. The society is alarmed at the perpetual increase of rape cases in the country, more particularly against minors. The legislatures has given a threshold on sentences and this court is so guided.

Sentence

- [5] The court considers the above and orders a sentence of twenty (20) years imprisonment with five years suspended for ten years on condition that accused is not convicted of an offence where sexual assault is an element.



M. DLAMINI J.

For the Crown : **F. Mngometulu from the Director of Public Prosecutions**

For the Accused : **A. Dlamini of B. S. Dlamini and Associates**