

IN THE HIGH COURT OF SWAZILAND

In. the matter of: CRI.T.NO. S.233/83

THE QUEEN

vs

MOSES QOWENI MASEKO

CORAM: B. DUNN, A.J.

FOR CROW: MR. R. ZONDI

FOR DEFENCE: IN PERSON

JUDGMENT ON SENTENCE

(Delivered on 15th November, 1983)

Dunn, A.J. :

I take a particularly dim view of the offence of which you have been convicted. There are far too many cases of young girls being sexually molested by males in this country. A glance at the High Court Roll for this year alone indicates that not less than 100 rape cases have been placed for hearing, and in a large proportion of these the complainants are girls below the age of 16.

You might not immediately realise the damage which you have caused to this young girl. You might immediately know that you caused her to contract syphilis which I trust was dealt with by the hospital where she went for examination. The other side of the coin might entail the psychological damage which you caused to her, and she might live with this for the rest of her life.

You had ample opportunity to reflect on what you were about to do to the complainant from possibly the time when you called her to your house to collect muti. You drove along with her on your bicycle and should have reflected on what you were about to do. You appeared to have continued undeterred and encouraged your own emotions to get away with you.

I have listened carefully to what you have pleaded in mitigation of sentence and to what Mr. Zondi had stated in reply. You have referred to your responsibilities as a husband with 2 wives and 4 children and to other members of your family who look to you for support. It is unfortunate that they will

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suffer indirectly by your being sent to prison, but I cannot let this override the seriousness of this offence.

You have in your evidence and in mitigation indicated the remorse which you felt on reflecting on your conduct, and on carefully considering this, I feel that the sentence I will impose on you should reflect this.

The sentence on you will be one of 6 years imprisonment.

B. DUNN.

ACTING JUDGE.