

IN THE HIGH COURT OF SWAZILAND

CRIMINAL TRIAL NO.146/95

In the matter between:

REX

VS

HENRY MBHEKENI NDLELA

FOR THE CORAM : J.M. MATSEBULA A.J.

FOR THE CROWN : MR. L. NGARUA

FOR THE DEFENCE : MR. R. DHLADHLA

JUDGMENT

07/03/96

The accused is originally charged with the crime of murder. When the charge was put to him, he pleaded not guilty and added some explanation to the effect that he had no intention of killing the deceased.

The accused is represented by Mr. Dhladhla who then stood up and said the accused's plea is in accordance with his instructions. He further explained that at the pre-trial conference which was held on the 24th November they had indicated that they would be prepared to plead guilty to culpable homicide instead of murder. He further stated that at that stage the Crown would not accept the plea to culpable homicide and it was on that basis that the matter had to be postponed for today. The intention was that we

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should proceed on the basis that the accused is charged with murder.

However, today Mr. Ngarua who appeared for the Crown has indicated that after further study of the docket he has made up his mind and has decided to accept the plea of culpable homicide instead of murder. He has now stated the facts leading to the death of the deceased. And these facts have been agreed upon by Mr. Dhladhla for the defence.

The court is satisfied that the charge of culpable homicide is the proper charge against the accused and in the result the accused is found guilty of culpable homicide and not of murder.

J.M. MATSEBULA

ACTING JUDGE