

**CRIM. CASE NO. 91/2001**

In the matter between

**REX**

Vs

**NOMCEBO SHABANGU**

Coram

S.B. MAPHALALA – J

For the Crown

For the Defence

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**SENTENCE**

**(06/11/2001)**

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I have considered all your personal circumstances into consideration in arriving at a proper sentence in this case. This is indeed a tragic case where your uncle lost his life in your hands. This will always prey on your conscious for the rest of your life. And that in some measure is punishment.

I have looked at the circumstances leading to the death of the deceased, there was no premeditation on your part, this action which resulted in the death of the deceased happened at the spur of the moment and you used a domestic knife which was in the kitchen where you were fighting with the deceased. I have also taken your tender age into consideration and I do not think that a custodial sentence will serve any useful purpose except that you might brush shoulder with hardened criminals to your peril.

My view, is that a wholly suspended sentence would be proper in your case which has individual deterrent effect, in the sense of a sword of Damocles hanging over your head.

In the result, I sentence you to 6 years imprisonment, the whole sentence is suspended for a period of three years on condition that the accused is not convicted of an offence in which violence is an element committed during the period of suspension.