



THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Criminal Case No. 179/2007

In the matter between

REX

vs

1. AMOS BONGUMUSA GUMEDZE
2. MBUSO LINDA MNGOMETULU

Coram

Banda, CJ

For the Crown The 1st

Mr. P.S. Dlamini appeared in

Accused The 2nd Accused

person appeared in person

JUDGMENT

[1] The accused is before this court on charge of culpable homicide. It is alleged that on or about the 19th June 2006 at or near Timbutini area in the district of Manzini, the accused each or both acting in furtherance of a common purpose did unlawfully assault Mafuga Shabangu and inflicted upon him injuries which caused the death of Mafuga Shabangu on the 4th July 2006. Both accused informed the court that they would conduct their

own defence. The first accused pleaded guilty to the charge but the second accused pleaded not guilty. Learned counsel who appeared for the Crown accepted these pleas and offered no evidence against the second accused.

[2] The first accused was found guilty on his own plea of guilty to the charge of culpable homicide and was convicted accordingly. No evidence having been offered against the second accused the court ordered that he be discharged and was acquitted. It was ordered that he be released forthwith unless he was lawfully held on some other charge.

[3] The first accused informed the court, in mitigation, that the death of the deceased was accidental and that it was the deceased who started the fight and urged the court to show leniency to him. I accept that it was the deceased who started the fight and it was one of those fights that are started at a drinking party. However these violent fights which end in death are becoming prevalent in the country. It is the duty of the courts to impose purposeful sentences that will deter other potential offenders and

sentenced to a term of imprisonment of ten (10) years
with effect from 10th July 2006.

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R.A.  CE

Pronounced in open court sitting at Mbabane on this 4th day of
September 2007.