

**IN THE HIGH COURT OF SWAZILAND**

**CRIMINAL CASE No. 132/08**

**In the matter between**

VUSUMUZI NDWANDWE

VS REX

**CORAM:** S.M. MONAGENG J

FOR THE CROWN: MR. T. MASINA

FOR ACCUSED: PRESENT IN PERSON

**SENTENCE**

**8<sup>th</sup> OCTOBER 2008**

[1] The accused has pleaded guilty to culpable homicide. I must observe that, from the facts, this is a very-unfortunate case that was basically not of the accused's making. A group of people was assaulting his brother badly and he reacted in defence of his brother, by hitting the deceased with a knobkerrie. Unfortunately a life was lost and I cannot ignore this.

[2] The accused is a first offender, a young man who found himself in this unfortunate situation. In this case, I am prepared to temper justice with mercy, given his peculiar circumstances. He has been in gaol for a year and given the prevailing circumstances, this in my view is punishment enough.

[3] He is sentenced to 6 years imprisonment of which 4 years will be suspended for a period of 3 years, on condition that he is not convicted of any offence of which violence of any kind is an element during the period of suspension. The

sentence will be backdated to the 31 October 2007, when he was first incarcerated.

[4] Right of appeal against sentence only.

S.M. MONAGENG J

JUDGE