

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 294/2007

In the matter between:

THE KING

VS

SIMANGA NGWENYA

CORAM:

SEY J

FOR THE CROWN

MR. M. D. NXUMALO

FOR THE ACCUSED

MR. M. S. DLAMINI

JUDGMENT ON SENTENCE

29th June 2011

SEYJ.

[1] On the 14th day of June, 2011, this Court convicted the accused of six counts to wit Murder, Robbery, two counts of Attempted Murder, Unlawful

possession of firearm and unlawful possession of 15 live rounds of ammunition.

[2] In respect of the murder count, this Court convicted the accused of murder with extenuating circumstances. Once a finding has been made that extenuating circumstances exist, the Court is at large, without necessarily having to resort to its constitutional discretion under Section 15 (2) of the Constitution of Swaziland Act, 2005, to impose any sentence it finds appropriate, other than one of death.

[3] In arriving at the appropriate sentence, I have taken into account all the mitigating circumstances of the accused which said factors usually influence discretionary sentences. However, I must also not lose sight of two other applicable factors namely, the gravity of the crimes of which the accused has been convicted and the interests of society.

[4] Simanga Ngwenya, having considered all that has been said by defence counsel in your favour and taking into account all the points raised by Crown counsel, I shall now proceed to impose my sentence and full reasons would follow in due course.

[5] You are hereby sentenced as follows:

Count 1: 20 (twenty) years imprisonment Count 2:

10 (ten) years imprisonment Count 3: 10 (ten)

years imprisonment Count 4: 6 (six) years

imprisonment Count 5: 4 (four) years

imprisonment Count 6: 4 (four) years imprisonment

[6] The said sentences are ordered to run concurrently and they are hereby backdated to the date of his arrest on 05/09/2005.

M.M. SEY(MRS)

JUDGE OF THE HIGH COURT