



IN THE HIGH COURT OF ESWATINI

JUDGMENT

Case No. 352/2013

In the matter between:

REX

AND

BHEKI SIMELANE

Neutral citation: *Rex vs Bheki Simelane [352/2013][2019]SZHC 214 (26th November 2019)*

Coram: FAKUDZE, J

Heard: 7/11/2019; 12/11/2019

Delivered: 28th November 2019

JUDGMENT

[1] The accused is charged with the offence of Attempted Murder in that upon or about the 4th September, 2013 at or near Bhanganoma area, Shiselweni Region, the accused person did unlawfully and with intent to kill stab one Kenneth Zwane and did thereby commit the crime of Attempted Murder.

[2] The charge has been put to the accused and he has pleaded guilty. The Crown has accepted the Plea and the parties have prepared a Statement of Agreed Facts. Same has been read out to the accused and he confirmed its contents.

[3] In the Statement of Agreed Facts, the following is stated:

3.1 The accused agrees that on the 4th September, 2013 at about 1900 hours he was at his parental home at Bhanganoma area in the Shiselweni Region when the complainant and his brothers came there. They argued with him about some missing pipes purportedly stolen by the accused.

3.2 The quarrel emanated from the accusation made by the complainant together with his brothers to the effect that the accused had stolen the missing pipes. They invaded him at his parental home in the evening. In defence to the invasion, the accused disappeared and later emerged with a spear. He stabbed the complainant once under his armpit.

3.3 Following the stabbing, a fight ensued whereupon the complainant tried to collect some stones and threw at the accused but was weak and lay down on the ground bleeding profusely.

3.4 The accused ran away and his mother appeared. The police were called. The accused was later arrested and later pointed out the spear he used to stab the complainant.

3.5 The accused agreed that he inflicted the stab wound on the complainant, the conduct was unlawful and without any legal justification.

[4] The medical report indicates that the complainant was stabbed on the left side of the armpit. There was an approximately 2 centimetres stab wound on the 4th inter costal space anterior auxillary line. The stab wound was sutured.

[5] The weapon, which is the spear, that was used in the commission of the offence has been tendered by the Crown as part of its evidence and same has been exhibited in court.

[6] The Statement of Agreed Facts was signed by both parties as evidence of their full knowledge of its contents. The accused person is therefore found guilty of attempted murder and the basis for this finding is the accused's own Plea of guilty.

FAKUDZE J.

JUDGE OF THE HIGH COURT

CROWN: C. NGWENYA

ACCUSED: IN PERSON