

IN THE HIGH COURT OF NAMIBIA

THE STATE

versus

ABRAHAM ISAACKS

(HIGH COURT REVIEW CASE NO. 2582/96)

CORAM: FRANK, J. et SMUTS, A.J.

Delivered on: 1995.08.12

REVIEW JUDGMENT

FRANK, J.: This is a review matter.

The accused was convicted of the possession of 100 grammes of dagga and sentenced to 2 years imprisonment 1 whereof was suspended for 5 years on certain conditions. The accused, a 22 year old male first offender, told the Court he possessed the dagga for his own use.

First offenders convicted of the possession of dagga of a relatively small quantity are normally given non-custodial sentences. This is so because of the relative easy availability of dagga, its limited adverse affects compared to other drugs and the fact that otherwise law-abiding people, young giving people, tend to experiment with it. A suspended sentence normally has the effect of ensuring that the offence is not repeated.

The usual sentence is a fine coupled with the alternative of imprisonment. As the accused in the present case has already served a month in prison I do not intend imposing a fine and will only impose a suspended sentence.

In the result:

(i) The conviction is confirmed.

SMJA, ACTING JUDGE
A .lr

FRANK, JUDGE

(ii) The sentence is set aside and substituted with nine (9) months imprisonment suspended in toto for three (3) years on condition the accused is not convicted of contravening section 2 (a) or 2 (b) of Act 41 of 1971 committed within the period of suspension.