

IN THE HIGH COURT OF NAMIBIA

In the matter between

THE STATE

Versus

ALEZENDRE CLISTO ANDRE

[HIGH COURT REVIEW CASE NO. 767/07]

CORAM: PARKER, J et MANYARARA, AJ

Delivered on: 2007 June 20

REVIEW JUDGMENT

PARKER, J:

[1] The accused person was charged before the Karasburg Magistrate's Court with contravening s. 112 of the Immigration Control Act, 1993 (Act 7 of 1993). He pleaded guilty, and was convicted on his plea of guilty and sentenced accordingly.

[2] I have perused the record, and I am satisfied that the proceedings are in accordance with justice, but the sentence is bad in law and confusing in its formulation. In his response to a query raised by this Court, the learned magistrate agrees that the formulation of the sentence is wrong.

[3] In the result, I make the following orders:

- (1) The conviction is confirmed.

- (2) The sentence is set aside and the following is put in its place:

N\$500.00 or 10 months' imprisonment, five months of which are suspended for five years on condition that the accused person is not found guilty of the offence of contravening s. 112 of Act 7 of 1993, committed during the period of suspension.

Parker, J

I, agree.

Manyarara, AJ