

**IN THE HIGH COURT OF NAMIBIA**

In the matter between

**THE STATE**

Versus

**JOHANNES ISACKS**

**[HIGH COURT REVIEW CASE NO. 766/07]**

**CORAM: PARKER, J et MANYARARA, AJ**

Delivered on: 2007 June 20

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**REVIEW JUDGMENT**

**PARKER, J:**

[1] The accused person was charged before the Karasburg Magistrate's Court with theft of N\$100.00. 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:

The accused person is sentenced to three months' imprisonment wholly suspended for three years on condition that –

- (a) the accused person pays an amount of N\$100.00 as compensation to the complainant Michael Ndana Matengu, which must be deposited with the clerk of court, Karasburg Magistrate's Court, not later than 20 July 2007; and
- (b) the accused person is not convicted of theft, committed during the period of suspension.

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Parker, J

I, agree.

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Manyarara, AJ