



CASE NO.: CR 20/2010

**IN THE HIGH COURT OF NAMIBIA
HELD AT OSHAKATI**

In the matter between:

THE STATE

and

SIMON PETRUS

(HIGH COURT REVIEW CASE NO.: 264/2010)

CORAM: LIEBENBERG, J. *et* TOMMASI, J.

Delivered on: September 28, 2010.

REVIEW JUDGMENT

LIEBENBERG, J.: [1] The accused was arraigned in the magistrate's court Okahao in the district of Outapi on a charge of stock theft, read with the provisions of the Stock Theft Act, 1990 (Act 12 of 1990), as amended. He was convicted on his plea of guilty of theft of one goat valued at N\$350-00 and sentenced to:

“Twenty four (24) months imprisonment of which ten (10) months is suspended for a period of five years on condition that the accused is not convicted of an offence of theft of stock read with provisions of Act 12 of 1990 as amended.”

[2] The conviction is in order and will be confirmed. However, the sentence is not and stands to be amended in that the sentence does not state that the conviction must be in respect of a crime of stock theft *committed within the period of suspension*.

[3] In the result, the Court makes the following order:

1. The conviction is confirmed.
2. The sentence is amended to read: Twenty four (24) months imprisonment of which ten (10) months is suspended for a period of five years on condition that the accused is not convicted of an offence of theft of stock, read with the provisions of Act 12 of 1990 (as amended), committed during the period of suspension.

LIEBENBERG, J

I concur.

TOMMASI, J