



CASE NO.: CR 74/2010

"Not Reportable"

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

VS

MUFAYA MUHERO

(HIGH COURT REVIEW CASE NO.: 1544/2010)

CORAM: **PARKER, J et SHIVUTE, J**

Delivered on: 2010 October 14

REVIEW JUDGMENT

PARKER, J [1] In this matter the accused was convicted by the Rundu Magistrate's Court on one count of assault with intent to do grievous bodily harm and sentenced accordingly.

[2] The proceedings are in accordance with justice, but the formulation of the suspended part of the sentence is not clear; particularly the crucial word

'committed' was left out in the formulation of the sentence.

[3] In the result, the conviction is confirmed and the sentence is set aside. The formulation of the sentence is altered accordingly so as to insert the word 'committed' therein as follows:

Three thousand Namibia Dollars (N\$3, 000.00) or twenty-eight (28) months' imprisonment, of which two thousand Namibia Dollars (N\$2, 000.00) and twenty (20 months) are suspended for four (4) years on condition that the accused is not convicted of the offence of assault with intent to do grievous bodily harm committed during the period of suspension.

PARKER, J I

agree.

SHIVUTE, J