



**CASE NO. CR 44/2011**

**IN THE HIGH COURT OF NAMIBIA**

In the matter between:

**THE STATE**

versus

**GODLIEB INANSEB  
ACCUSED**

HIGH COURT REVIEW CASE NO. 372/2010

**CORAM:** SWANEPOEL, J et SIBOLEKA, J

Delivered on: 26 May 2011

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**REVIEW JUDGMENT**

**SWANEPOEL, J.:**[1] The accused was convicted in the magistrate's court held at Kamanjab on a charge of theft and sentenced as follows:

*"One thousand Namibian dollars Fine (N\$1000-00) or in default of payment twelve (12) months imprisonment wholly suspended for a period of three (3) years on condition that the accused is not convicted of Theft during the period of suspension."*

[2] Mainga J (as he then was) addressed the following remark to the learned magistrate:

“1. In both case nos 314/2009 and 10/2010 the words *committed* are omitted in the sentence. Doesn't the omission render the sentence useless? See *R v Cloete 1950(4) SA 191E at 192F-G*”

The learned magistrate replied as follows:

“I concur with the Honourable Reviewing Judge that the word ***COMMITTED*** is omitted in the sentence on both cases, and I further concur that this renders the sentence useless.”

He requested the Reviewing Judge to insert the word “committed” in the respective sentences.

[3] In the premises the conviction is confirmed and the sentence is substituted with the following:

One thousand Namibian dollars fine (N\$1000-00) or in default of payment twelve (12) months imprisonment wholly suspended for a period of three (3) years on condition that the accused is not convicted of theft committed during the period of suspension.

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**SWANEPOEL, J**

I agree

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**SIBOLEKA, J**