



**REPUBLIC OF NAMIBIA**

**CASE NO.: CR 45/2011**

**IN THE HIGH COURT OF NAMIBIA**

In the matter between:

**STATE**

versus

**STEVEN KHARUCHAB**

***(HIGH COURT REVIEW CASE NO.: 721/11)***

**CORAM: VAN NIEKERK, J et SWANEPOEL, J**

Delivered on: 27 May 2011

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**REVIEW JUDGMENT**

**VAN NIEKERK, J** [1] The accused in this case was sentenced to N\$800 or 8 months by the magistrate of Otjiwarongo after he was convicted on a charge of theft of a bicycle. On review I queried the disproportionality between the fine and the alternative imprisonment imposed.

[2] The trial magistrate agrees that the length of imprisonment is disproportionate to the fine imposed and suggests that the 8 months imprisonment be changed to 4 months imprisonment. I agree.

[3] The result is:

1. The conviction is confirmed.
2. The sentence is set side and substituted with a sentence of N\$800 or 4 months imprisonment.

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**VAN NIEKERK, J**

I concur.

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**SWANEPOEL, J**