



CASE NO.: CR 78/2011

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

and

AMON SEIBEB

(HIGH COURT REVIEW CASE NO.: 1655/2010)

(MAGISTRATE'S SERIAL NO.: 27/2010)

CORAM: SHIVUTE, J *et* SIMPSON, AJ

Delivered on: 2011 August 24

REVIEW JUDGMENT

SHIVUTE, J: [1] The accused appeared before Okahandja Magistrate's Court and pleaded guilty to a charge of house breaking with intent to steal and theft. He was sentenced as follows:

“18 Months’ imprisonment of which six (6) months’ imprisonment are suspended for a period of five years on condition that the accused is not found guilty of house breaking with intent to steal and theft during the period of suspension.”

[2] The conviction is in order. However, I am not satisfied with the manner in which the sentence was formulated.

[3] When the magistrate phrased the sentence the word “committed” has been omitted from the suspended sentence. The conditions of suspension must be clear and specific to enable the accused to understand them and know how to behave himself in compliance thereof.

[4] In the premises the following order is made:

(1) The conviction is confirmed.

(2) The sentence is altered to read as follows:

Eighteen (18) months’ imprisonment of which six (6) months are suspended for a period of five (5) years on condition that the accused is not found guilty of house breaking with intent to steal and theft committed during the period of suspension.

I concur

SIMPSON, AJ