



HIGH COURT OF MAIN DIVISION, WINDHOEK

REVIEW JUDGMENT

Case no: CR 45/2013

In the matter between:

THE STATE

APPLICANT

And

MARIA KASHOPATII

RESPONDENT

(HIGH COURT MAIN DIVISION CASE NO 14/2013)

Neutral citation: *The State v Kashopatii (CR 14/2013) [2013] NAHCMD 212 (24 July 2013)*

Coram: NDAUENDAPO J et SIBOLEKA J

Delivered: 24 July 2013

ORDER

The conviction is confirmed, the sentence is set aside and substituted with the following:
Fined N\$1000.00 (one thousand Namibian dollars) or in default of payment 6 (six) months imprisonment wholly suspended for 5 (five) years on condition that the accused

is not convicted of possession of a firearm without a licence committed during the period of suspension.

REVIEW JUDGMENT

NDAUENDAPO J (SIBOLEKA J concurring):

[1] The accused appeared in the magistrate's court of Windhoek on a charge of possession of a firearm without a licence (in contravention of section 2 read with section 1, 38) and 39 of act 7 of 1996 (as amended)

[2] He was convicted on his own plea and sentenced as follows:

'N\$1000.00 (one thousand Namibian dollars) or 6 (six) months imprisonment wholly suspended for 5 (five) years on condition accused does not commit offence of possession of a fire-arm without a licence during period of suspension. Order: accused declared unfit to possess a firearm for 2 years'.

[3] The conviction is in order, but the sentence is not in accordance with the law and cannot be allowed to stand.

In the result, I make the following order:

The conviction is confirmed, the sentence is set aside and substituted with the following: Fined N\$1000.00 (one thousand Namibian dollars) or in default of payment 6 (six) months imprisonment wholly suspended for 5 (five) years on condition that the accused is not convicted of possession of a firearm without a licence committed during the period of suspension.

GN NDAUENDAPO
JUDGE

AM SIBOLEKA
JUDGE