


IN THE HIGH COURT OF NAMIBIA
(TO THE SUPREME COURT OF NAMIBIA)

Case Title: <i>Piet Kondjeje Nakanene v The State</i>	Case No: CC 05/2016 Neutral citation: <i>Piet Kondjeje Nakanene</i> (CC 05/2016)[2019] NAHCMD 98 (15 April 2019)
	Division of Court: Prison Division
Before: Honourable Ms Justice Usiku	Date of Hearing: 18 March 2019 Delivered on: 15 April 2019
Result on merits (attach order): APPLICATION FOR LEAVE TO APPEAL BY THE APPELLANT IN TERMS OF S 311 (1) READ WITH S310 (2) OF THE CRIMINAL PROCEDURE ACT 51 OF 1977. Having read the record of proceedings the following order is made: <ol style="list-style-type: none">1. The application for leave to appeal in respect of counts six, seven, and eighth is refused.2. The application for leave to appeal in respect of counts one, two, three, four and five is granted. REASONS FOR DECISION: IN TERMS OF PRACTICE DIRECTIVE OF THE PRACTICE DIRECTIONS. <ol style="list-style-type: none">1. The applicant has no prospect of success in respect of counts six, seven and eight. There was sufficient evidence adduced against the applicant. The Court may not come to a different view.	

2. The applicant has prospects of success in respect of counts one, two, three, four and five. Another count may arrive at a different conclusion. Leave to appeal is therefore granted.

Judge's Signature 	Note to the parties:
D N USIKU JUDGE	

