

“ANNEXURE 11”

IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION, WINDHOEK

REVIEW JUDGMENT

Case Title: <i>The State v Erastus Rudolf Haradoeb</i>	Case No: CR 38/2020
	Division of Court: Main Division
Heard before: Honourable Mr. Justice Unengu AJ <i>et</i> Honourable Ms. Justice Usiku J	Delivered on: 15 June 2020
(HIGH COURT MAIN DIVISION REVIEW REF NO. 2325/2019)	
Neutral citation: <i>S v Haradoeb</i> (CR 38/2020) [2020] NAHCMD 227 (15 June 2020)	
The order: The sentence imposed by the magistrate is set aside and substituted with the following sentence: ‘A fine of N\$ 1000 (one thousand Namibia dollars) or 6 (six) months imprisonment wholly suspended for period of 2 (two) years on the condition accused is not convicted of theft committed during the period of suspension; and in addition, the accused to perform community service of 100 hours at the Grootfontein magistrate’s court under the supervision of Ms Renate Kauapirura commencing 24 October 2019 until 21 November 2019.’ The sentence is <i>ante</i> dated to 28 October 2019.	
Reasons for order:	
UNENGU, AJ (USIKU, J concurring): [1] The accused in the matter was charged with the crime of theft in the magistrate’s court sitting at Grootfontein. He was convicted as charged and sentenced to pay a fine of N\$ 1000 or 6 (six) months imprisonment wholly suspended for 2 years on condition that the accused performs 100 hours community service at the Grootfontein magistrate’s court under the supervision of Ms Renate Kauapirura; that such service to commence on 24 October 2019 and completes on 21 November 2019 and that the accused to perform such service from Mondays to Fridays excluding public holidays and will perform service for 5 hours each day. However, a different sentence was typed on the Review Sheet. [2] On review, the sentence imposed was found to be incompetent; and was not clear	

which one of the two sentences was imposed; therefore, the magistrate was requested to explain which sentence he had imposed on the accused. In his response, the magistrate conceded his mistake and suggested that the initial sentence be substituted with another sentence.

[3] The concession is correctly made, in our view; and the sentence will be substituted accordingly.

E P UNENGU ACTING JUDGE	D N USIKU JUDGE