**REPUBLIC OF NAMIBIA**



**IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION**

**HELD AT WINDHOEK**

**EX TEMPORE LEAVE TO APPEAL JUDGMENT**

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| **Case Title:**  Charles Noabeb Applicant  v  The State Respondent | **Case No:** CC 9/2014 |
| **Division of Court:** High Court, Main Division |
| **Heard before:**  Honourable Justice D Usiku | **Heard on:** 7 June 2023  **Delivered on:** 7 June 2023 |
| **Neutral citation:** *Noabeb v S* (CC 9/2014) [2023] NAHCMD 303 (7 June 2023) | |
| **ORDER:** | |
| [1]The application for leave to appeal partially succeeds.   1. Judgment is delivered ex tempore. 2. The application for leave to appeal in respect of the conviction is refused. 3. The application for leave in respect of the sentences imposed is granted. | |
| **REASONS FOR ORDERS:** | |
| D Usiku J:  [2] The application has prospects of success in respect of the sentences imposed. The Supreme Court may impose a different sentence in the light of the Zedekia Geingob case.  [3] In the result, the following order is made:  1. Judgment is delivered ex tempore.  2. The application for leave to appeal in respect of the conviction is refused.  3. The application for leave in respect of the sentences imposed is granted. | |
| **Judge’s signature** | **Note to the parties:** |
|  | **Not applicable** |
| **Counsel:** | |
| **Applicant** | **Respondent** |
| Mr C. Noabeb- in person  Windhoek Correctional Facility | Mr E Moyo  Office of the Prosecutor General- Windhoek |