
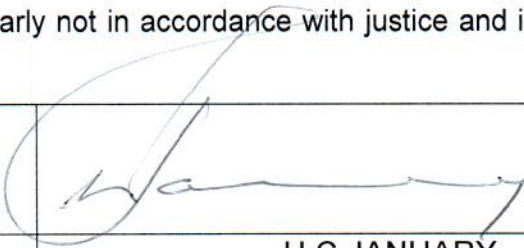


“ANNEXURE 11”

IN THE HIGH COURT OF NAMIBIA

<b>Case Title:</b> <i>The State V Clesa Mwanyekange</i>	CR 48/2018
	<b>Division of Court:</b> Northern Local Division
<b>Heard before:</b> Honourable Ms Justice Tommasi J et Honourable Mr. Justice January J	<b>Delivered on:</b> 5 October 2018
<b>Neutral citation:</b> <i>S v Mwanyekange</i> (CR 48 /2018) [2018] NAHCNLD 100 ( 5 October 2018)	
<b>The order:</b> 1. The conviction and sentence are set aside.	
<b>Reasons for order:</b>	
<p>TOMMASI J (JANUARY J concurring):</p> <ol style="list-style-type: none"><li>1. The accused was convicted of having failed to appear on a summons. The original record was then misplaced and he was once again convicted of having failed to appear on the same summons. The magistrate realized the error and requested for a special review in terms of section 304(4).</li><li>2. The conviction and sentence are clearly not in accordance with justice and it is herewith set aside.</li></ol>	
	
M A TOMMASI JUDGE	H C JANUARY JUDGE

11

CR 48/2018

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION  
HELD AT OSHAKATI: 5 OCTOBER 2018  
BEFORE THE HONOURABLE MS JUSTICE TOMMASI J  
MR JUSTICE JANUARY J**

In the matter between:

**STATE**

**V**

**CLESA MWANYEKANGE**

**ACCUSED**

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Having considered the matter in chambers and having read the documents filed of record:

**IT IS ORDERED THAT:**

1. The conviction and sentence are set aside.

**BY ORDER OF COURT**



**REGISTRAR**

/lk