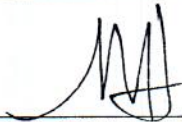
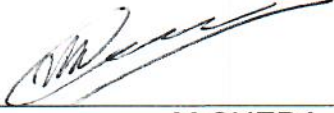


“ANNEXURE 11”
IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Eelu Moses Simaneka</i>	CR 60/2018 Division of Court: Northern Local Division
Heard before: Honourable Ms Justice Tommasi J et Honourable Mr. Justice Cheda J	Delivered on: 19 October 2018
Neutral citation: <i>S v Simaneka</i> (CR 60/2018) [2018] NAHCNLD 112 (19 October 2018)	
The order: <ol style="list-style-type: none"> 1. The conviction and sentence in respect of count 1 and count 2 are confirmed. 2. The matter is remitted to the trial court with the direction to give effect to s 10 (7) of Act 7 of 1996. 	
Reasons for order: TOMMASI J (Cheda J concurring): <ol style="list-style-type: none"> 1. The magistrate failed to comply with provisions of s10 (7) of Arms and Ammunition Act, 1996 (Act 7 of 1996). 2. The provisions of s 10(7) are peremptory. (See <i>S v Titus</i> 2011 (1) NR 109 (HC) for guidance). 	
	
M A TOMMASI JUDGE	M CHEDA JUDGE

CR 60/2018

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 19 OCTOBER 2018
BEFORE THE HONOURABLE MS JUSTICE TOMMASI J
MR JUSTICE CHEDA J**

In the matter between:

STATE

v

EELU MOSES SIMANEKA

ACCUSED

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

IT IS ORDERED THAT:

1. The conviction and sentence in respect of count 1 and count 2 are confirmed.
2. The matter is remitted to the trial court with the direction to give effect to s 10 (7) of Act 7 of 1996.

BY ORDER OF COURT

REGISTRAR

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