
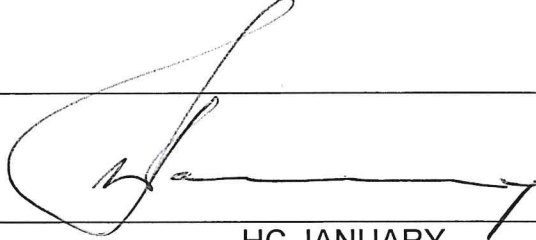


**“ANNEXURE 11”**  
**IN THE HIGH COURT OF NAMIBIA**

<b>Case Title:</b> <i>The State v Henock Angala</i>	CR 56/2018
	<b>Division of Court:</b> Northern Local Division
<b>Heard before:</b> Honourable Ms. Justice Tommasi J <i>et</i> Honourable Mr. Justice January J	<b>Delivered on:</b> 1 November 2018
<b>Neutral citation:</b> <i>S v Angala</i> (CR 56/2018) [2018] NAHCNLD 119 (1 November 2018)	
<b>The order:</b> <ol style="list-style-type: none"><li>1. The conviction and sentence in respect of count 1 are set aside;</li><li>2. The conviction and sentence in respect of count 2 are confirmed.</li><li>3. The matter is remitted to the district court with the direction to act in terms of section 113 of the Criminal Procedure Act, 51 of 1977 in respect of count 1.</li></ol>	
<b>Reasons for the order:</b>	
<p>TOMMASI J (JANUARY J concurring):</p> <ol style="list-style-type: none"><li>1. The accused pleaded guilty to negligent driving (contravening s 80(1) of Act 22 of 1999) and driving without a license (contravening s31 (1)(a) of Act 22 of 1999) and was questioned in terms of section 112 (1)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977). He was convicted on both counts.</li><li>2. The conviction in respect of count 1 is not in accordance with justice but the conviction in respect of count 2 is proper and is confirmed.</li><li>3. The accused, when questioned in respect of count 1, stated that: 'It was just sudden. I did not intend to do it neither did I do it.'</li><li>4. It is apparent from the answers given that the accused disputed that he failed to take reasonable care in the driving of the vehicle i.e. the allegation of negligence.</li></ol>	

5. The learned magistrate could not have been satisfied that accused is guilty of the offence to which he has pleaded guilty.
6. The magistrate is advised to carefully peruse the covering note to see whether it corresponds with the conviction and the sentence he/she imposed before signing the certificate. In this instance the convictions and the sentences appearing on the cover sheet differ substantially from the convictions and sentences appearing on the record.

	
M A TOMMASI JUDGE	HC JANUARY JUDGE



CR 56/2018

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION  
HELD AT OSHAKATI: 1 NOVEMBER 2018  
BEFORE THE HONOURABLE MS JUSTICE TOMMASI J  
MR JUSTICE JANUARY J**

In the matter between:

**STATE**

v

**HENOCK ANGALA**

**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 in respect of count 1 are set aside;
2. The conviction and sentence in respect of count 2 are confirmed.
3. The matter is remitted to the district court with the direction to act in terms of section 113 of the Criminal Procedure Act, 51 of 1977.

**BY ORDER OF COURT**



**REGISTRAR**  
/lk