
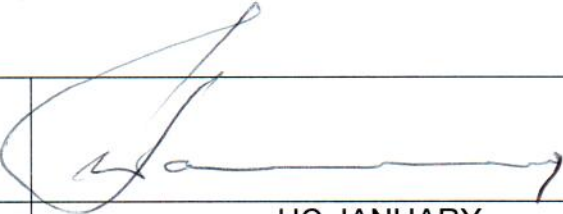


"ANNEXURE 11"
IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Benjamin Shikongo and 2 others</i>	CR 43/2018 Division of Court: Northern Local Division
Heard before: Honourable Ms. Justice Tommasi J <i>et</i> Honourable Mr. Justice January J	Delivered on: 21SEPTEMBER 2018
Neutral citation: <i>S v Shikongo</i> (CR 43/2018) [2018] NAHCNLD 92 (21 SEPTEMBER 2018)	
The order: 1. The conviction and sentence of accused 1 in respect of count 4 (Possession of ammunition) are hereby set aside. 2. The matter is remitted to the magistrate with a direction that the magistrate deal with count 4 in respect of accused 1 afresh from the stage of plea. 3. In the event of a conviction, the sentencing court must have regard to the sentence already served and/or the fine already paid.	
Reasons	
TOMMASI J (JANUARY J concurring): 1. The learned magistrate omitted to question accused 1 in terms of section 112 (1)(b) after he pleaded guilty to count 4 and erroneously convicted him and sentenced him. 2. The matter is remitted to the magistrate in terms of section 312 of the Criminal Procedure Act, 51 of 1977.	
 MA TOMMASI JUDGE	 HC JANUARY JUDGE

IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 17 SEPTEMBER 2018
BEFORE THE HONOURABLE MS JUSTICE TOMMAS J
MR JUSTICE JANUARY J

In the matter between:

STATE

v

BENJAMIN SHIKONGO

1ST ACCUSED

UPARAKANA KAPUREE

2ND ACCUSED

TJIZEMBA KAMBAMBA MUVERUKUUNI

3RD ACCUSED

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

IT IS ORDERED THAT:

The order:

1. The conviction and sentence of accused 1 in respect of count 4 (Possession of ammunition) are hereby set aside
2. The matter is remitted to the magistrate with a direction that the magistrate deal with count 4 in respect of accused 1 afresh from the stage of plea.
3. In the event of a conviction, the sentencing court must have regard to the sentence already served and/or the fine already paid.

BY ORDER OF COURT



REGISTRAR

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