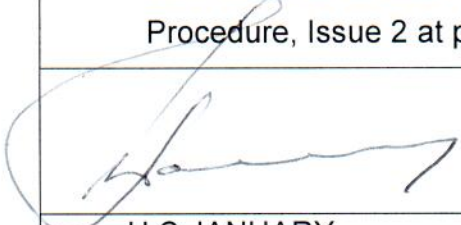



“ANNEXURE 11”
IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Salom Dionisius and Hasenanye Natangwe</i>	Case No: 530/2018 CR 46/2018
	Division of Court: Northern Local Division
Heard before: Honourable Mr Justice January J <i>et</i> Honourable Mrs Justice Tommasi J	Delivered on: 4 October 2018
Neutral citation: <i>S v Dionisius</i> (CR 46/2018) [2018] NAHCNLD 98 (4 October 2018)	
The order: <ol style="list-style-type: none">1. The convictions and sentences of both accused are set aside.2. The matter is remitted to the magistrate to deal with the matter from the stage of plea and question the accused separately.	
Reasons for order:	
JANUARY J (TOMMASI J concurring): <ol style="list-style-type: none">1. 'It is not desirable when there is more than one accused to put a question and then ask each accused to answer in turn. The examination of each accused must be completed separately. (<i>S v Faber</i> 1979 (1) SA 710 (NC))' See: Hiemstra's Criminal Procedure, Issue 2 at p17-9; Multiple accused under comments.	
 H C JANUARY JUDGE	 M A TOMMASI JUDGE

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 4 OCTOBER 2018
BEFORE THE HONOURABLE MR JUSTICE JANUARY**

In the matter between:

THE STATE

v

SALOM DIONISIUS

1ST ACCUSED

HASENANYE NATANGWE

2ND ACCUSED

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

IT IS ORDERED THAT:

1. The convictions and sentences of both accused are set aside.
2. The matter is remitted to the magistrate to deal with the matter from the stage of plea and question the accused separately.

BY ORDER OF COURT



REGISTRAR
/hsh