**REPUBLIC OF NAMIBIA**

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**IN THE HIGH COURT OF NAMIBIA, NORTHERN LOCAL DIVISION, OSHAKATI**

**REVIEW JUDGMENT**

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| **Case Title:***The State v Ndeudana Augusto* | **Case No:** CR 42/2019 |
| **Division of Court:** Northern Local Division |
| **Heard before:** Honourable Mr. Justice January J *et*Honourable Ms. Justice Salionga J | **Delivered on:** 16 December 2019 |
| **Neutral citation:** *S v Augusto* (CR 42/2019) [2019] NAHCNLD 139 (16 December 2019) |
| **The order:** 1. The conviction of theft is confirmed.
2. The sentence of N$4000 or 18 months imprisonment of which N$2000 or 10 months imprisonment are suspended for 3 years on condition that the accused is not convicted for theft is confirmed but amended to read that the accused is not convicted for theft *committed during the period of suspension.*

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|  **Reasons for the order** |
| JANUARY J (SALIONGA J concurring):1. This court has on numerous times in the past directed that it is imperative that the words *‘committed during the period of suspension’* must be included when sentences are suspended.2. ‘The oversight by the magistrate on the formulation of one of the conditions of suspension is elementary and should have been guarded against; more so where this court in the past has delivered a number of similar judgments in cases where the same mistake has repeatedly been made.’[[1]](#footnote-1) |
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|  H C JANUARY  JUDGE  |  J T SALIONGA JUDGE |

1. State v Geinub & others (CR 31/2016) [2016] NAHCMD 94 (06 April 2016) [↑](#footnote-ref-1)