

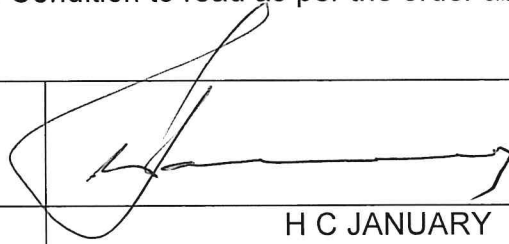
**“ANNEXURE 11”**  
**IN THE HIGH COURT OF NAMIBIA**

<b>Case Title:</b> <i>The State v Nakale Vilho Kashokolo</i>	<b>CR 15/ 2019</b> Case No: 522/2018
	<b>Division of Court:</b> Northern Local Division
<b>Heard before:</b> Honourable Mr. Justice January J <i>et</i> Honourable Ms Justice Salionga J	<b>Delivered on:</b> 7 March 2019
<b>Neutral citation:</b> <i>S v Kashokolo</i> (CR15/2019) [2019] NAHCNLD 28 (7 March 2019)	
<b>The order:</b> <ol style="list-style-type: none"><li>1. The conviction on both counts and the sentence on count 1 are confirmed.</li><li>2. The sentence on count 2 is confirmed but the condition of suspension is deleted and is substituted by the following: 24 months direct imprisonment of which 12 months imprisonment is suspended for a period of 4 years on condition accused is not convicted of housebreaking with intent to steal and theft committed during the period of suspension.</li></ol>	
<b>Reasons for Order:</b>	
<p>SALIONGA J (JANUARY J concurring):</p> <ol style="list-style-type: none"><li>1. In this matter the accused had been convicted of two counts of housebreaking with intent to steal and theft. His sentence on count 2 was suspended on condition that accused ‘does not commit the similar offence during the period of suspension’.</li><li>2. The court found that such condition is too vague and leads to uncertainty. Accused must be certain of what he is prohibited from doing during the period of suspension.</li></ol>	

See *S v Tomas* 1991 NR 104 (HC). Condition to read as per the order above.



J T SALIONGA  
JUDGE



H C JANUARY  
JUDGE

IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION  
HELD AT OSHAKATI: 28 FEBRUARY 2019  
BEFORE THE HONOURABLE MR JUSTICE JANUARY J  
MS JUSTICE SALIONGA J

In the matter between:

**STATE**

v

**NAKALE VILHO KASHOKOLO**

**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 on both counts and the sentence on count 1 are confirmed.
2. The sentence on count 2 is confirmed but the condition of suspension is deleted and is substituted by the following:

24 months direct imprisonment of which 12 months imprisonment is suspended for a period of 4 years on condition accused is not convicted of housebreaking with intent to steal and theft committed during the period of suspension.

**BY ORDER OF COURT**

  
**REGISTRAR**  
//k

J. T. S