**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 Amukoto Johannes Makuva* | **CR No.:** 1/2020 | |
| **Division of Court:**  Northern Local Division | |
| **Heard before:**  Honourable Mr Justice January J *et*  Honourable Ms Justice Salionga J | **Delivered on:**  13 January 2020 | |
| **Neutral citation:** *S v Makuva* (CR 1/2020) [2020] NAHCNLD 01 (13 January 2020) | | |
| **The order:**   1. The sentence imposed is set aside and substituted by the following: 24 months’ imprisonment of which 6 months is suspended for a period of 5 years on condition accused is not convicted of assault with intent to do grievous bodily harm in a domestic set up committed during the period of suspension. | | |
| **Reasons for the order:** | | |
| SALIONGA J (JANUARY J concurring):  [1] Accused a 47 years’ male was charged with assault with intent to do grievous bodily harm read with the provisions of the Combating of Domestic Violence Act 4 of 2003.  [2] The accused pleaded not guilty and was convicted after the evidence was led. He was sentenced to 24 months imprisonment of which 6 months imprisonment is suspended for a period of 5 years on condition accused is not convicted of assault with intent to do grievous bodily harm in a domestic set up.  [3] The condition of suspension is vague and incomplete.  [4] The above order is made. | | |
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| J T SALIONGA  JUDGE | | H C JANUARY  JUDGE |