

REPUBLIC OF NAMIBIA



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

REVIEW JUDGMENT

<b>Case Title:</b> <i>The State v Amukoto Johannes Makuva</i>	<b>CR No.:</b> 1/2020
	<b>Division of Court:</b> Northern Local Division
<b>Heard before:</b> Honourable Mr Justice January J et Honourable Ms Justice Salionga J	<b>Delivered on:</b> 13 January 2020
<b>Neutral citation:</b> <i>S v Makuva</i> (CR 1/2020) [2020] NAHCNLD 01 (13 January 2020)	
<b>The order:</b> <ol style="list-style-type: none"><li>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.</li></ol>	
<b>Reasons for the order:</b>	
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.

J T SALIONGA JUDGE	H C JANUARY JUDGE