**REPUBLIC OF NAMIBIA**

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

**APPEAL JUDGMENT**

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| **Case Title:** *Teofelus Paulus Nghilifavali v The State*  | **Case No:** HC-NLD-CRI-APP-CAL-2020/00017 |
| **Division of Court:** Northern Local Division |
| **Heard before:** Honourable Mr. Justice January J *et*Honourable Ms. Justice Salionga J | **Head:** 25 June 2020**Delivered on:** 06 August 2020 |
| **Neutral citation:** *Nghilifavali v**S* (HC-NLD-CRI-APP-CAL-2020/00017) [2020] NAHCNLD 103 (6 August 2020)  |
| **The order:** 1. The appeal is dismissed.
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| **Reasons for order:** |
| January J (Salionga J) concurring:[1] The appeal is against sentence.[2] The appellant is representing himself and the respondent is represented by Mr Gaweseb.[3] The appellant pleaded guilty to a charge of malicious damage of property, an aluminium window worth N$5500. He was sentenced to 24 months imprisonment. [4] The applicant raised no ground of appeal but only prays for a fine to be imposed.[5] He stated in this court that there is no misdirection by the magistrate.[6] Mr Gaweseb submitted that there is no misdirection by the magistrate. That the offence is serious and that the appeal should be dismissed.[7] I could not find any misdirection and the sentence is not shocking or inappropriate.[8] In the result:1. The appeal is dismissed.  |
| **Judge(s) signature** | **Note to Parties;** |
| January J | None |
| Salionga J | None |
|  **Counsel:** |
| **Appellant** | **Respondent** |
| Mr T P NghilifavaliOluno Correctional Facility, Ondangwa |  Mr T GawesebOffice of the Prosecutor-General, Oshakati |