

REPUBLIC OF NAMIBIA



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

REVIEW JUDGMENT

Case Title: <i>The State v Jionisius Pulavali</i>	CR No.: 08/2020 Case No.: A138/2019
	Division of Court: Northern Local Division
Heard before: Honourable Mr Justice January J et Honourable Ms Justice Salionga J	Delivered on: 31 January 2020
Neutral citation: <i>S v Pulavali</i> (CR 08/2020) [2020] NAHCNLD 17 (31 January 2020)	
The order: 1. The conviction of escaping from lawful custody is confirmed; 2. The sentence two (2) years imprisonment of which one (1) year is suspended for a period of three (3) years on condition that accused is not convicted of escaping from lawful custody is confirmed but amended to read that the accused is not convicted of escaping from lawful custody committed during the period of suspension.	

Reasons for the order:	
<p>JANUARY J (SALIONGA J concurring):</p> <p>1] This court has on numerous occasions in the past directed that it is imperative that the words 'committed during the period of suspension' must be included when sentences are suspended.¹</p> <p>'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.'</p>	
H C JANUARY JUDGE	J T SALIONGA JUDGE

¹ See: *State v Geinub* (CR 31/2016) [2016] NAHCMD 94 (06 April 2016)