

**ANNEXURE 11**

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

<b>Case Title:</b> <i>S v Fillemon Biola Ndapewa Uugwanga</i>	<b>CR No:</b> 30/2020
	<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> 8 June 2020
<b>Neutral citation:</b> <i>S v Uugwanga</i> (CR 30/2020) [2020] NAHCNLD 64 (8 June 2020)	
<b>IT IS ORDERED THAT:</b> 1. The conviction on the review cover sheet is set aside and replaced with the following: “Accused is found guilty of attempted murder”. 2. The sentence is confirmed:	
<b>Reasons for the above order:</b>	
SALIONGA J (JANUARY J concurring):  [1] Accused in this matter was charged with the offence of attempted murder. He pleaded guilty and after questioning a plea of not guilty was entered in terms of section 113 of the Criminal Procedure Act 51 of 1977. He was convicted of attempted murder after the evidence was led.  [2] The accused was sentenced to 18 (eighteen) months Imprisonment of which 6 (six) months imprisonment is suspended for 5 (five) years on condition that the accused is not convicted of the offence of attempted murder committed during the period of suspension.	

[3] On review I requested the magistrate to explain why the review sheets indicate a conviction of assault with intent to do grievous bodily harm.

[4] The learned magistrate in her reply conceded that indeed the review cover sheets indicate a conviction of assault with intent to do grievous bodily harm but accused was charged and convicted of attempted murder. It was an oversight on her part.

[5] It is apparent from the record that accused was charged and conviction of attempted murder. The conviction of assault with intent to do grievous bodily harm as reflected on the review sheets is wrong and should be corrected. This court has on numerous occasion emphasized the importance of proof reading the record before certifying and submitting it on review and I am not inclined to do the same.

[6] In the result the following order is made:

1. The conviction on the review cover sheet is set aside and replaced with the following: "Accused is found guilty of attempted murder".
2. The sentence is confirmed:

J T SALIONGA JUDGE	H C JANUARY JUDGE