



“ANNEXURE 11”
IN THE HIGH COURT OF NAMIBIA

<p>Case Title: <i>The State v Rauna Nakale</i></p>	<p>Case No:249/2017 CR 4/2019</p>
<p>Heard before: Honourable Ms Justice Tommasi J Honourable Ms Justice Salionga J <i>et</i></p>	<p>Division of Court: Northern Local Division</p>
<p>Neutral citation: <i>S v Nakale</i> (CR 4/2019) [2019] NAHCNLD 4 (24 January 2019)</p>	
<p>The order:</p> <ol style="list-style-type: none"> 1. The conviction is confirmed. 2. The sentence is amended to read as follows: N\$ 2000 or 6 months imprisonment of which N\$1000 or 3 months is suspended for 3 years on condition that accused is not convicted of contravening section 70 (f) of Act 6 of 1998 – Dealing in liquor contrary to licence committed during the period of suspension. 	
<p>Reasons for order:</p>	
<p>SALIONGA J (TOMMASI J concurring):</p> <ol style="list-style-type: none"> 1. The accused, 34 years old, pleaded guilty to a charge of contravening section 70(f) of Act 6 of 1998 – Dealing in liquor contrary to licence and was convicted in terms of section 112(1)(a) of the Criminal Procedure Act, 51 of 1997. 2. The accused was sentenced to N\$2000 or 6 months imprisonment of which N\$1000 or 3 months is suspended for 3 years on condition the accused is not convicted of contravening <u>any</u> provisions of Act 6 of 1998 committed during the period of suspension.’ 	

3. The above condition is not clear and vague and this court thus amended the condition of suspension to read as per the order above.
4. The condition must be clear and accused should know exactly what conduct may lead him to serve the sentence should he breach the condition.

	
 J T SALIONGA JUDGE	M A TOMMASI JUDGE

CR 4/2019

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 24 JANUARY 2019
BEFORE THE HONOURABLE MS JUSTICE TOMMASI J
MS JUSTICE SALIONGA J**

In the matter between:

STATE

v

RAUNA NAKALE

ACCUSED

Having considered the matter in chambers and having read the documents filed of record:

IT IS ORDERED THAT:

1. The conviction is confirmed.
2. The sentence is amended to read as follows:
N\$ 2000 or 6 months imprisonment of which N\$1000 or 3 months is suspended for 3 years on condition that accused is not convicted of contravening section 70 (f) of Act 6 of 1998 – Dealing in liquor contrary to licence committed during the period of suspension

BY ORDER OF COURT

REGISTRAR

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