

“ANNEXURE 11”

IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Martin Shafewange Kashilula</i>	Case No: CR 3/2019
	Division of Court: Northern Local Division
Heard before: Honourable Justice Tommasi J <i>et</i> Honourable Justice Salionga J	Delivered on: 24 January 2019
Neutral citation: <i>S v Kashilula</i> (CR 3/2019) [2019] NAHCNLD 3 (24 January 2019)	
The order: <ol style="list-style-type: none">1. The conviction is confirmed.2. The sentence is amended to read as follows: N\$ 1000 or 3 months imprisonment wholly suspended on condition that –<ol style="list-style-type: none">(a) The accused completes 105 hours of community service at Okongo State hospital under the supervision of Elen Shikongeni. The community service starts on 04 October 2018 and it is performed every day (except Weekends and public holiday) from 08 h00-17h00.(b) The accused is not convicted of assault committed during the period of suspension.	
Reasons for order:	
SALIONGA J (TOMMASI J concurring): <ol style="list-style-type: none">1. The accused was charged with two counts of assault in that upon or about the 12th day of June 2015 and at or near Ondema Village in the district of Eenhana, the said accused did wrongful and unlawfully assault Feni Moshana by slapping her with an open hand. Accused is also facing a charge of assault by threat; in that he threatened to stab Lazarus Nghikovalu Kadhikwa Ndjuluwa with a knife on the same day and same village.	

He was convicted pursuant to a plea of guilty in terms of section 112(1)(a) of the Criminal Procedure Act, 51 of 1977.

2. The two counts were taken together and accused was sentenced to N\$1000 or 3 months' imprisonment wholly suspended on condition that accused completes 105 hours of community service (cleaning) at Okongo State Hospital.
3. The condition of suspension is vague and unclear.


J T SALONGA
JUDGE


M A TOMMASI
JUDGE

CR 3/2019

**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

MARTIN SHAFEWANGE KASHILULA

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:
 - (a) The accused completes 105 hours of community service at Okongo State Hospital under the supervision of Elen Shikongeni. The community service starts on 04 October 2018 and it is performed every day (except Weekends and public holiday) from 08h00-17h00.
 - (b) The accused is not convicted of assault committed during the period of suspension.

BY ORDER OF COURT

REGISTRAR

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