



CASE NO.: CR 71/2011

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

and

JIM VAN ROOI

(HIGH COURT REVIEW CASE NO.: 847/2011)

CORAM: MULLER, J et SWANEPOEL, J

Delivered on: 12 August 2011

REVIEW JUDGMENT

MULLER, J.: [1] The accused's convictions and sentences were set aside in a judgment by myself and Swanepoel, J delivered on 22 July 2011. The matter was referred back to the magistrate to apply S 112(1)(b) of the Criminal Procedure Act, no. 51 of 1997 (CPA) and if satisfied with the plea of guilty, to convict and sentence the accused appropriately.

[2] In a letter received from the magistrate he reported that this judgment was complied with. The accused was questioned in terms of S 112(1)(b) of the CPA

on his guilty pleas to both counts. After being satisfied that the accused did admit all the elements of both charges, he was convicted and sentenced to respectively N\$1000 or three (3) months imprisonment on count 1 (theft) and N\$3000 or nine (9) months imprisonment on count 2 (malicious damage to property).

[3] The magistrate unfortunately neglected to backdate the sentences imposed on 3 August 2011 to 17 March 2011, the date when the accused was first sentenced. The magistrate's request is that the court of review backdates the sentences accordingly, in particular because the accused is apparently also serving other sentences of imprisonment.

[4] In the circumstances the sentences imposed in respect of the accused on 3 August 2011 are backdated to 17 March 2011.

MULLER, J

I agree

SWANEPOEL, J