



CASE NO.: CR 75/2011

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

and

ROSA SINANO

(HIGH COURT REVIEW CASE NO.: 787/2010)

(MAGISTRATE'S SERIAL NO.: 17/2010)

CORAM: PARKER, J *et* SHIVUTE, J

Delivered on: 2011 August 23

REVIEW JUDGMENT

SHIVUTE, J: [1] The accused appeared before Okahandja Magistrate's Court and pleaded guilty to a charge of theft. He was sentenced as follows:

“N\$1200.00 (one thousand two hundred) or 6 (six) months imprisonment of which N\$600.00 (six hundred) or 3 (three) months are suspended for a period of 5 (five) years on condition that accused is not convicted of theft or attempted theft during the period of suspension.”

[2] The conviction is in order. However, the problem lies with the framing of the sentence.

[3] I did not find it necessary to raise the query with the trial magistrate.

[4] In formulating the sentence the word “committed” has been omitted from the suspended sentence. The conditions of suspension must be clear and specific as the accused must understand them and know how to behave himself in compliance thereof.

[5] The condition of suspension should read that the accused is not convicted of theft committed during the period of suspension.

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

(1) The conviction is confirmed.

(2) The sentence imposed is altered to read:

One thousand two hundred (N\$1200.00) or six (6) months imprisonment of which six hundred (N\$600.00) or three (3) months are suspended for a period of five (5) years on condition that the accused is not convicted of theft committed during the period of suspension.

SHIVUTE, J

I concur

PARKER, J