**REPUBLIC OF NAMIBIA**

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

**APPEAL JUDGMENT**

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| **Case Title:**  *Teofelus Paulus Nghilifavali v The State* | **Case No:**  HC-NLD-CRI-APP-CAL-2020/00017 | |
| **Division of Court:**  Northern Local Division | |
| **Heard before:**  Honourable Mr. Justice January J *et*  Honourable Ms. Justice Salionga J | **Head:** 25 June 2020  **Delivered on:** 06 August 2020 | |
| **Neutral citation:** *Nghilifavali v**S* (HC-NLD-CRI-APP-CAL-2020/00017) [2020] NAHCNLD  103 (6 August 2020) | | |
| **The order:**   1. The appeal is dismissed. | | |
| **Reasons for order:** | | |
| January J (Salionga J) concurring:  [1] The appeal is against sentence.  [2] The appellant is representing himself and the respondent is represented by Mr Gaweseb.  [3] The appellant pleaded guilty to a charge of malicious damage of property, an aluminium window worth N$5500. He was sentenced to 24 months imprisonment.  [4] The applicant raised no ground of appeal but only prays for a fine to be imposed.  [5] He stated in this court that there is no misdirection by the magistrate.  [6] Mr Gaweseb submitted that there is no misdirection by the magistrate. That the offence is serious and that the appeal should be dismissed.  [7] I could not find any misdirection and the sentence is not shocking or inappropriate.  [8] In the result:  1. The appeal is dismissed. | | |
| **Judge(s) signature** | | **Note to Parties;** |
| January J | | None |
| Salionga J | | None |
| **Counsel:** | | |
| **Appellant** | | **Respondent** |
| Mr T P Nghilifavali  Oluno Correctional Facility, Ondangwa | | Mr T Gaweseb  Office of the Prosecutor-General, Oshakati |