

IN THE HIGH COURT OF LESOTHO

In the Matter of :

TENANE RABEISI

Appellant

v

R E X

REASONS FOR JUDGMENT

Filed by the Hon. Mr. Justice F.X. Rooney  
on the 4th day of March, 1982..

Mr. Ramolibeli for the Appellant  
Mr. Kamalanathan for the Respondent

On the 10th September, 1981, the appellant pleaded guilty to a charge of stock theft. It was alleged that on the 30th August, 1981 at Ha Ntseli in the Leribe district he stole 10 sheep, the property of Nkhopo Rachaane. The appellant was sentenced to 12 months imprisonment without the option of a fine. He appealed to this Court against sentence only. He was released on bail pending appeal on the 20th October, 1981.

At the hearing of the appeal Mr. Kamalanathan for the Crown conceded that there was an ambiguity in the prosecutor's statement of facts as to the number of sheep actually stolen by the appellant. It was however, clear that the accused slaughtered one sheep and put five others among his flock. None of the sheep was recovered.

In passing sentence, the magistrate considered that appellant had stolen 10 sheep valued at M400. The appellant was a first offender and he has many dependants. The magistrate decided that as crimes of this nature are rife in the Leribe district, a deterrent punishment was necessary. It is not apparent that the

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magistrate took into account the fact that the appellant had no previous convictions and that he had cooperated fully with the police when his crime was detected. In all the circumstances, I felt that the penalty imposed in the Subordinate Court was harsh.

On the 1st March, 1982, I corrected the conviction so that it referred to 6 sheep only and allowed the appeal to the extent that the accused was sentenced to 6 months imprisonment, three months of which sentence was suspended for three years on condition that the appellant is not convicted of an offence involving dishonesty committed during the period of the suspension.

F.X. ROONEY  
JUDGE

4th March, 1982,

Attorney for the Appellant :  
Attorney for the Crown : Law Office.