

file

GRI/S/L/82

IN THE HIGH COURT OF LESOTHO

In the matter of:

R E X

V

THABO MAFESA

J U D G M E N T

Delivered by the Hon. Mr. Justice M.P. Mofokeng  
on the 14th day of June, 1983.

The Court declines to sentence the accused. The learned Magistrate could easily have done that. It is true that the accused has numerous previous convictions but some of these are irrelevant to the sentence. The maximum sentence which may be imposed on Count I is R200 or 6 months or both (determined by statute), and on Count II is R10 or 1 month or both. This is clearly within the learned Magistrate's jurisdiction and this passing of the buck will not be tolerated by the High Court. The mere fact that the learned magistrate thought a stiff sentence or a deterrent sentence is needed, is no justification to remit a matter to this court for sentence. It has previously been said in pronouncements of this court that magistrates should not turn the High Court into a sentencing machine.

The Crown does not support this action adopted by this particular judicial official. It is an admirable attitude.

2.

*W. Wopking*

J U D G E.

For the Crown: Adv. Kabatsi