

IN THE HIGH COURT OF LESOTHO

In the Appeal of :

JOHN THULO MOJAKI

v

R E X

REASONS FOR JUDGMENT

Filed by the Hon. Chief Justice Mr. Justice T.S.
Cotran on the 4th day of September 1984

On the 27th August 1984 I dismissed the appeal against conviction and sentence without calling upon Crown Counsel to argue. I said reasons will be filed later and these now follow.

The appellant Mojaki was convicted of theft of M1,000 and sentenced to twelve months imprisonment. There are many grounds of appeal but there is no need to refer to anyone of them specifically.

The evidence before the magistrate was to the effect that the appellant, who was a fairly senior messenger of many years standing in the Subordinate Court of Maseru, had received from a Judgment debtor the sum of M2,000 in cash for transmission to Cooper & Sons, a firm of attorneys, representing payment (or part payment) to a Judgment creditor. The appellant paid Cooper & Sons M1,000 only. He got a receipt for this sum. He took the receipt to the Judgment debtor. When the Judgment debtor looked at the receipt he noticed some tampering in the figure "2" and in the word "two" (Exhibit C). He told the appellant that he was not happy with the receipt and would he

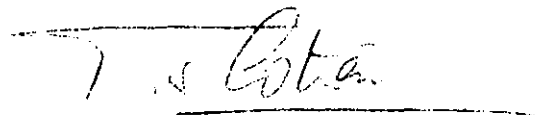
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please go back to Coopers and get a fresh receipt. It seems that a magistrate or someone in the registry of the Maseru Subordinate Court informed the police before the Judgment debtor himself took action on the matter and investigations commenced. The appellant had not obtained a fresh receipt from Coopers.

The appellant's defence was that he was given only M1,000 by Judgment debtor to pay Coopers, not M2,000. This defence was not believed by the trial officer and rightly so for it was an obvious and blatant lie.

The appeal against conviction and sentence was dismissed.

The original receipt book of Coopers bearing Nos. 601-900 may now be returned to attorneys but copies of the documents Exhibits B1 and C to be retained in the file.



CHIEF JUSTICE
4th September 1984

For Appellant : Mr. Moorosi

For Respondent : Mrs. Bosiu