

IN THE HIGH COURT OF LESOTHO

In the matter of:

R E X

v

LEFU LETEKA

Before the Honourable the Chief Justice Mr. Justice
B. P. Cullinan on the 28th day of April 1989

For the Crown : Mr. S. Mdhululi Director of Public Prosecutions

For the Accused : In Person

J U D G M E N T

The accused was convicted by the Subordinate Court of the First Class for the Maseru District of rape.

The accused admitted sexual intercourse with the sixteen-year-old complainant, stating that she had consented. She had, however, made a complaint to her mother which established the consistency of her evidence, as the learned trial Magistrate observed. Further, the medical evidence corroborated the complainant's evidence of non-consent. As for the accused, he made a number of damaging admissions under cross-examination. I consider that the learned trial Magistrate was fully justified in accepting the complainant's evidence and rejecting the accused's evidence as not being reasonably true. I find the proceedings to be in accordance

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with real and substantial justice and the conviction is accordingly confirmed.

The trial took place on the 23rd of June, 1988. The learned trial Magistrate's jurisdiction in the matter of sentence at the time was a punishment of two years' imprisonment. She considered her sentencing powers inadequate, and after considering a number of authorities, for very full reasons committed the accused for sentence to this Court.

The accused is aged twenty-seven years. He is a first offender. The complainant was aged about sixteen years, however. Nonetheless, the minimum of force was used and I do not consider this in all the circumstances to be a bad case of rape. The accused has now been in prison for ten months. Under the circumstances I sentence him to five years' imprisonment with effect from 23rd of June, 1988, the date of his conviction in the Court below.

Delivered at Maseru This 28th day of April, 1989.

(B. P. CULLINAN)
CHIEF JUSTICE