

IN THE HIGH COURT OF LESOTHO

In the Appeal of :

LETLATSA NTHOLI

Appellant

V

R E X

Respondent

J U D G M E N T

Delivered by the Hon. Mr. Justice M.L. Lehohla
on the 12th day of June, 1989.

The invaluable sets of heads of arguments filed by respective counsel shall be treated as if incorporated in this decision. There is a back log of Criminal appeals hence for purposes of conserving time and averting delay it is imperative to anchor attention on the gravamen of the matter.

Regard being had to the fact that it was dark at the material time of the shooting, and also that the appellant's evidence was not challenged that when he fired his shot gun he was apprehensive of the sword or even stick raised at him in a striking position from a short distance by one among many others bent on attacking him even though the appellant's story is interspersed with lies, it becomes doubtful whether his version of events at the relevant time could not be said to be reasonably possibly true. Mr. Ramodibedi has reminded the Crown not to adopt the posture of an arm-chair critic in considering the question of self defence raised. I think this is a word in season.

In that event then appellant is given benefit of doubt and the appeal accordingly upheld.

For Appellant : Mr. Ramodibedi
For Respondent: Mr. Qhomane

J U D G E.
12th June, 1989.