

IN THE HIGH COURT OF LESOTHO

In the Matter of :

R E X

v

SELLO MOKOENA

J U D G M E N T

Delivered by the Hon. Mr. Justice B.K. Molai
on the 12th day of February, 1990.

Held at Butha-Buthe

The accused is before me on a charge of murder, it being alleged that on or about 20th December, 1988 and at or near Lekokoaneng in the district of Berea he unlawfully and intentionally killed Mphele Lebesa.

When the charge was put to him, the accused, who was represented by Mr. Fosa, pleaded guilty to culpable homicide. Mr. Mokhobo who represented the Crown in this matter, told the court that the crown would accept the plea of guilty to culpable Homicide, tendered by the accused. The plea of guilty to culpable Homicide was accordingly entered.

It is to be observed that S.240(1)(a) of the Criminal Procedure and Evidence Act, 1981, provides:

"240(1) If a person charged with any offence before any court pleads guilty to that offence of which he might be or to an offence of which he might be

2/ found:

found guilty on that charge and the prosecutor accepts that plea the court may -

- (a) if it is the High Court and the person has pleaded guilty to any offence other than murder, bring in a verdict without hearing any evidence."

As it has already been pointed out, the accused, who is charged with the crime of murder, has pleaded guilty to a Culpable Homicide which is a competent verdict of murder i.e. an offence of which he might be found guilty on^a charge of murder. The Crown has accepted the plea of guilty to Culpable Homicide tendered by the accused person. In terms of the provisions of the above cited Section 240 (1)(a) of the Criminal Procedure and Evidence Act, 1981, I would, therefore, convict the accused of Culpable Homicide in accordance with his own plea.

Both my assessors agree with this finding.

Sentence : 18 months imprisonment.


B.K. MOLAI
JUDGE

12th February, 1990.

For Crown : Mr. Mokhobo

For Defendant : Mr. Fosa.