

IN THE HIGH COURT OF LESOTHO

In the matter between:-

R E X

and

SELESO TLAPANA

Accused

J U D G M E N T

Delivered by the Honourable Mr. Justice J.L. Kheola  
on the 3rd day of May, 1990

The accused was charged with the murder of Phutha Ratsuba on the 7th day of May, 1988 and at or near Liphakoeng in the district of Maseru. The defence tendered a plea of guilty of culpable homicide which was accepted by the Crown.

The learned Director of Public Prosecutions then gave a very brief summary of the facts of the case as follows: On the 7th May, 1988 the accused and the deceased were seen by a number of people and they were having an altercation and a fierce struggle over a stick. The accused was holding one end of the stick with his left hand and a dagger in his right hand. He was

demanding that the deceased should release his (accused's) stick to him and pulling it from the deceased who was also holding the other end of the stick. He was saying he would release the stick on the following day after explaining to elderly people as to what had happened. All of a sudden the accused stabbed the deceased on the chest with the dagger he was holding in his right hand. The deceased grabbed him and they wrestled until they both fell down.

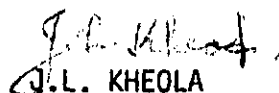
The accused had stabbed the deceased once but the injury was severe because according to medical evidence the left ventricle of the heart was perforated and the pericardiac sac was full of blood. He formed the opinion that death was due to internal haemorrhage.

The above facts were accepted by the defence counsel, Miss Ramafole.

Verdict:- Guilty of culpable homicide.

Sentence:- In passing sentence the Court took into consideration that the accused was a first offender and that he has been in gaol awaiting trial for just over two years. He is accordingly sentence to four (4) years' imprisonment.

My assessors agree.

  
J.L. KHEOLA  
J U D G E .

3rd May, 1990.

For Crown : Mr. Mdhuli  
For Defence: Miss Ramafole.