

IN THE HIGH COURT OF LESOTHO

In the matter of :

R E X

v

LITHUNYA SEOTLO

HELD AT BUTHA BUTHE

J U D G M E N T

Delivered by the Hon. Mr. Justice M.L. Lehohla  
on the 11th day of June, 1991  
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I am informed by the Crown that they are withdrawing the charge in the 2nd count, and since of course you had pleaded to that you are entitled to a verdict. The Court therefore acquits you on that second count. The Court finds you guilty on your own plea of Culpable Homicide in the 1st count.

With due respect to my assessors - they propose a very very lenient sentence - I don't agree with them. I have heard what has been said in mitigation of this sentence. However much and it was ably argued for you and an attempt was made to persuade this Court in your favour. I am not trying to say that the Court has not taken into account what has been said by your Counsel. But I cannot ignore that a defenceless child who was innocent suffered death even with the accompanying words which I am not going to hold against you because you didn't go into the box to explain them. But what is upper most in my mind on all that has been said and done is that an innocent child

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of tender years of five has been made a victim of a family feud. A merit was made and rightly so I suppose of the fact that you spared the other witnesses the agony of undergoing cross-examination and emphasis was laid on the fact that those witnesses might happen to be the relatives of this child. I don't know who could be closer as a relative to that child than her mother who came and gave evidence here. I don't hold it against you that she was cross-examined but I have seen the stick that it is said was used to molest that child - a tree in other words something which measures in length approximately two meters the thinner end of which is about two inches diameter, and the thicker end of which is about three and half inches diameter. To me that tends to aggravate this offence instead of mitigating it.

I have taken into account the fact that you didn't waste the time of this Court. You are going to benefit to some extent because you altered your plea to that of guilty to Culpable Homicide. For that the credit you get is of availing yourself of counsel of prudence.

The least sentence I can impose is that you serve eight years' imprisonment term in default of a fine of Four Thousand Maloti (M4000-00) half of which is going to be suspended for three years on condition that during the passage of such period you are not convicted of a crime involving violence to a person.

J U D G E

11th June, 1991

For Crown : Mr. Mokhobo

For Defence : Mr. Fosa