**CRI/T/0088/2017**

**IN THE HIGH COURT OF LESOTHO**

**HELD AT MASERU**

**In the matter between:-**

**REX**

**vs**

**LEBOHANG MOSOEU**

**JUDGMENT ON SENTENCE**

Neutral Citation: Rex vs Lebohang Mosoeu (CRT/T/0088/2017) [2022] LSHC 18

**CORAM : HON. T. MATOOANE, ACTING JUDGE**

**DATE ON JUDGMENT : 9TH FEBRUARY 2022**

The accused person tendered a plea culpable homicide which was accepted by the Crown in *terms of 2 Section 240 (1) (a)* of the **Criminal Procedure and Evidence Act 1981** as amended. The Court finds the accused guilty of culpable homicide accordingly.

In mitigation of sentence a number of factors were raised by the counsel for the defense which *interalia i*ncluded the following.

1. *That the accused was a first offender;*
2. *He showed remorse by pleading guilty to the charge;*
3. *He has always attended court when required to do so;*
4. *He is a family man with two minor children who relies solely on him as a breadwinner;*
5. *The crime occurred at the spur of a moment, there was no bad blood between the parties who were close neighbours before the incident;*
6. *He contributed to the burial of the deceased with the cow which was slaughtered customary at the funeral and the coffin which was used to bury the deceased;*

1. *He is prepared “raise the head of the deceased” customarily by contributing M15,000.00.*

On the other hand, the Crown argued that the deceased had a wife and a young child and that the sentence must be deterrent in nature.

The accused is sentenced to 6 (six) years in prison. However the whole sentenced in suspended for three years. Meaning that the accused should not commit a crime which violence is a component. Within this period.

The accused is ordered to pay compensation of M15,000.00 (fifteen thousand Maloti) as agreed with the Crown within a period of the years.

My Assessors agree.

**T. MATOOANE,**

**ACTING JUDGE**

**For Crown : Mr T. Fuma**

**For Defence : Mr Masoabi**