

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* included the following.

- (a) That the accused was a first offender;*
- (b) He showed remorse by pleading guilty to the charge;*
- (c) He has always attended court when required to do so;*
- (d) He is a family man with two minor children who relies solely on him as a breadwinner;*
- (e) The crime occurred at the spur of a moment, there was no bad blood between the parties who were close neighbours before the incident;*
- (f) 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;*

(g) 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 sentence is 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