

CRI/T//0187/2017

IN THE HIGH COURT OF LESOTHO

HELD AT MASERU

In the matter between:-

REX

vs

- 1. RATLALI 'MEREKO**
- 2. NTSANE MOLAPO**

CORAM : HON. T. MATOOANE, A. J

DATE OF HEARING: 16TH FEBRUARY 2022

SENTENCE

Natural Citation:- Rex vs Ratlali 'Mereko & Ntsane Molapo (CRI/T/0187/2017)

LSHC 27

The Crown applied for the separation of trials between the accused 1 and 2 as the second accused is still at large. Separation was granted. The first accused pleaded guilty to the charge of Culpable homicide. The Crown accepted his plea.

Despite the fact that the accused could be found guilty without the hearing of the evidence, the Crown outlined the facts briefly. See **Section 240 (1) (a) of the Criminal Procedure and Evidence Act 1981.**

According to the summary, the deceased, and the accused together with the witness had imbibed alcohol until the late hours of the morning on the fateful day of the 31st July 2015 which was around 1 to 2 am.

During the course of their drinking, a quarrel broke between the accused and the deceased about money owed, between the parties.

The deceased slapped the accused. However, the other witnesses intervened. A few hours later, when the deceased broke off from group. The accused followed her and stabbed her. She was taken to hospital where she died the following day.

Cause of death according to the Post-mortem report was a cut to the jugular vein.

In mitigation of sentence the accused Counsel raised the following factors.

(1) The accused was a first offender

(2) The consumption of the alcohol affected Accused judgment

(3) The accused is a family man with one child and he is the sole bread winner.

The accused is prepared to compensate the deceased family with fifteen thousand maloti (M15 000.00) payable over a period of ten months (raise the head).

Accused is now a good citizen and is presently working at Canstas Lesotho.

In view of the aforesaid, the accused is sentenced to 4 years imprisonment without an option of fine. The whole sentence is suspended for a period of one year. During this period, the accused shall not commit a similar offence.

My Assessors agree.

T. MATOOANE

ACTING JUDGE

For Crown : Ms Mofilikoane

For Accused : Mr Akhosi