

**IN THE HIGH COURT OF SWAZILAND**  
**HELD AT MBABANE**

**REVIEW CASE NO. 857 OF 2008**  
**District Record No. MPT 1189 of**  
**2008**

**In the matter between:**

**THE KING VERSUS ALDO**

**PARKINS**

**Date of consideration: 26 January, 2009.**

**Date of order: 26 January, 2009.**

**ORDER ON REVIEW**

**MASUKU J.**


1. Upon his own plea of guilty, the accused was convicted by the Manzini Magistrate's Court of the contravention of section 90, as read with section 122 (6) (a) of the Road Traffic Act, No. 6 of 2007, it being alleged that on 12 November, 2008, the accused person, then driving a motor vehicle registered SD 868 XL, a Hyundai sedan, wrongfully, unlawfully and inconsiderately drove the said vehicle upon a public road and lost control of the motor vehicle and hit the guardrails.
2. There is one issue that immediately caught my attention as I perused and considered the record of proceedings. Upon pleading, the accused appears, without further ado, to have been convicted of the offence charged in the absence of facts supporting the conviction. He was thereupon sentenced to a fine of E 1000.00 or in default of payment of the same, to 10 months' imprisonment.

3. I cannot, in the premises, without being furnished with the facts upon which the accused's conviction was predicated, form an opinion on the question whether the proceedings in question do accord with real and substantial justice.

4. In the circumstances, I issue the following Order:

4.1 The Clerk of Court of the Manzini Magistrate's Court be and is hereby ordered to dispatch to the Registrar of this Court within 14 days of the receipt of this Order, a record of the facts upon which the conviction of the above-named accused person was predicated, whether these facts were proved by the State or admitted by the accused person.

**DATED AT MBABANE ON THIS THE 26<sup>th</sup> DAY OF JANUARY, 2009.**

  
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**T. S. MASUKU**  
**JUDGE**