

IN THE HIGH COURT OF SWAZILAND
HELD AT MBABANE

REVIEW CASE NO. 867/2008 District
Record No. ML 114 of 2008

In the matter between:

REX

Vs

SABELO SELBY MKHABELA

Date of consideration: 26 January, 2009

Date of Order: 27 January, 2009

ORDER ON REVIEW

MASUKU J.

[1] I have read the record of proceeding in the instant matter. It is, however, unclear to me upon what admitted facts the accused was convicted of the offence of indecent assault.

[2] The learned Magistrate is required to advise regarding the facts proved or admitted and upon which the verdict was predicated.

[3] In particular, what proof was placed before the trial Court, as required by Section 238 (1) (b) of the Criminal Procedure and Evidence Act, 67 of 1938 was before Court that the offence was actually committed?

[4] The learned Magistrate is required to respond to the above queries within 14 days from receipt of this query.

T.S. MASUKU
JUDGE