

IN THE COURT OF APPEAL FOR BOTSWANA

Criminal Appeal No. 32 of 1983

In the matter between:

RAITU RATHA SEBETLELA THEBE

Appellant

and

THE STATE

The Appellant in person
Mrs. L. I. Dambe for the State


JUDGMENT

MAISELS, P:

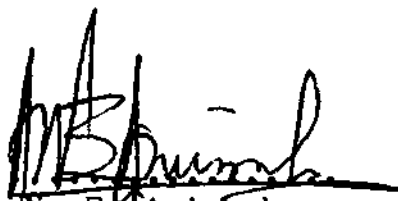
The appellant was indicted at the High Court on three counts of attempted murder and one count of arson. The evidence which was admitted shows that the appellant committed three serious assaults, one on his girlfriend, one on his mother and one on a child of which the appellant is the father. It should be stated that the assault on the child was committed at the same time as the assault on the mother of the child. Having read through the record of the Trial in the court a quo, it seems to me that the appellant was very fortunate that he was not found guilty of attempted murder and arson. The judge took a very merciful view of the case and found the appellant guilty on three counts of grievous harm and found him not guilty on the count of arson. He was sentenced to six years' imprisonment.

He appealed to this Court on the ground that the sentence is excessive. He says that if he has to be imprisoned it would impose a very great hardship on his mother because he is the sole supporter of the family. Unfortunately, all too often innocent people have to suffer because of crimes committed by persons such as the appellant in the present case, but certainly there is no ground to interfere with the sentence on this ground. The appellant also complained that the trial judge did not take into account the fact that he had been in prison for some time awaiting trial. There was no obligation on the part of the learned trial judge to do so, nor do we consider that in the present case this should be done.

The appeal is without merit and is dismissed.

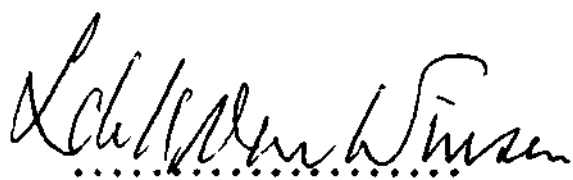

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I. A. Maisels
Judge President

I agree:


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A. N. E. Amissh
Judge of Appeal

I agree:

LOBATSE
20th July, 1983


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L. de Van Winsen
Judge of Appeal