

IN THE COURT OF APPEAL

OF BOTSWANA

Criminal Appeal No. 7 of 1986

In the matter between:

ALFRED DIKGANG

Appellant

vs.

THE STATE

W. G. Manchwee for the Appellant

L. I. Dambe for the State

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J U D G M E N T

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CORAM: I. A. Maisels, JP  
L. De Van Winsen, JA  
B. A. Doyle, JA.

MAISELS, JP.:

The appellant was convicted of a contravention of section 103(1) of the Penal Code in that he made a false claim that he had spent P245 on Hotel accommodation whereas he had only spent P114. There is no doubt that he claimed that he had spent P245 on hotel accommodation and the only question is whether the State established beyond reasonable doubt that the amount that he actually expended was P114. The evidence is overwhelming to the effect that he had spent only P114.

There is the evidence of the witness Galakwe who was the driver who accompanied the appellant and his co-accused in the court a quo that his bill for accommodation, laundry and meals was only P114 at the Hotel where the three of them stayed and that the appellant procured false bills from the Receptionist at the Hotel showing that the amount owing by

each of the three, and paid to the Hotel was P245. There is the evidence of the owner of the hotel which shows that an amount of P245 from each person could not possibly have been owed or paid to the hotel. There is the evidence of two cheques for P114 paid by the appellant for his and his co-accused's stay at the Hotel, which amount included the cost of all meals. The evidence of the appellant was quite unacceptable and there is no doubt in my mind that he was correctly convicted. I consider that the learned Chief Justice who dealt fully with his appeal was unduly charitable in granting him leave to appeal to his Court.

The appeal is dismissed.

*I. A. Maisels*

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I. A. MAISELS  
JUDGE PRESIDENT.

*L. De Van Winsen*

I agree

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L. De VAN WINSEN  
JUDGE OF APPEAL

*E. A. Doyle*

I agree

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E. A. DOYLE  
JUDGE OF APPEAL.

16-7-86.