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IN THE COURT OF APPEAL OF BOTSWANA

Criminal Appeal No. 11 of 1990

In the matter of:

MBEDLA VALACIA

vs

THE STATE

Appellant in person

P.S. Sedie for the State

REASONS FOR JUDGMENT

Coram: A.N.E. Amissah, J.P.:

T.A. Aguda, J.A.:

G. Bizos, J.A.:

AMISSAH, JP:

The appellant was charged with driving above the speed limit. The record shows that he was driving at a speed above the speed limit. There was the evidence of witnesses, including his own evidence, showing that he was driving above the speed limit.

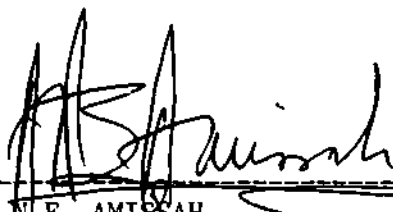
He had come before us to say that what was recorded of his evidence, that he made admissions that he was driving above the speed limit, was wrong. Even if that were so, the record shows that other witnesses also said that he was on that day driving above the speed limit.

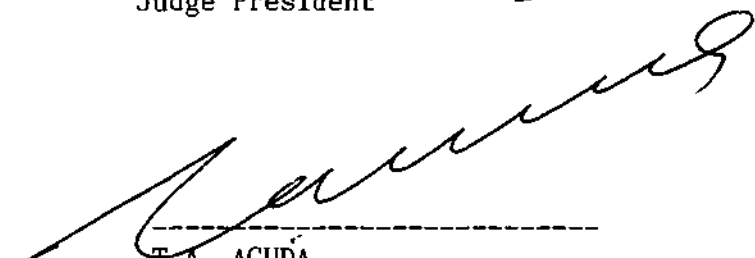
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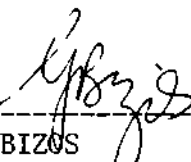
We had no alternative in the circumstances but to confirm the conviction and dismiss his appeal on that basis. However, we felt sympathetic towards him due to the fact that when he was found driving his car, he was driving above the speed limit only because he was taking his wife to hospital. On that account and no other, we thought that we should quash the sentence of a fine of P30.00.

We accordingly did so and substituted therefor a caution and discharge.

DATED THIS 28TH DAY OF NOVEMBER, 1990.


A.N.E. AMISSAH
Judge President


T.A. AGUDA
Judge of Appeal


G. BIZOS
Judge of appeal