

IN THE COURT OF APPEAL OF BOTSWANA  
HELD IN LOBATSE

Criminal Appeal No. 15 of 1991

In the matter between:

MOPHAKO MOLEBATSI

and

STATE

Mr. Naledi for the Appellant  
Mr. Mhango for the State

---

J U D G M E N T

---

Coram: A. N. E. Amisah, JP.  
T. A. Aguda, JA.  
B. A. Doyle, JA.

DOYLE, JA.

The Appellant was convicted of murder contrary to section 207 of the Penal Code.

The learned trial judge found that the Appellant had, in the course of a drinking party, attacked the deceased with his fists for no apparent reason. In the course of the attack he drew out a knife and stabbed the deceased on the left side of the neck, causing a wound from which the deceased died shortly afterwards.

The learned judge found extenuating circumstances in the youthful age of the Appellant, 23 years at the time of

the commission of the offence and the fact that he had been drinking. He was sentenced to seven years imprisonment.

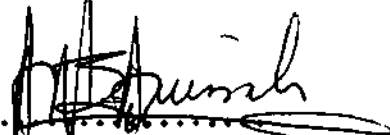
He now appeals to this Court against the sentence. Killings of this nature are common in Botswana and it is very unfortunate that it seems often to be the custom to carry knives at drinking parties.

The sentence does not come to me with any sense of shock and I would dismiss the appeal.

DELIVERED IN OPEN COURT IN LOBATSE ON THE            DAY OF JULY,  
1991

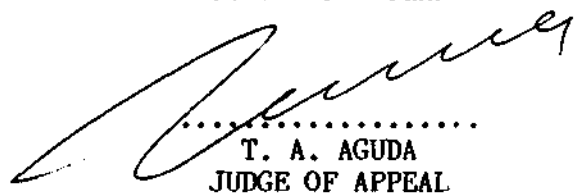


.....  
B. A. DOYLE  
JUDGE OF APPEAL



.....  
A. N. E. AMISSAH,  
JUDGE OF APPEAL

I agree



.....  
T. A. AGUDA  
JUDGE OF APPEAL

I agree: