

**THE STATE**

**Versus**

**LOVEMORE MISAVENGANA MATARIRO**

IN THE HIGH COURT OF ZIMBABWE  
CHEDA AJ  
BULAWAYO 30 NOVEMBER & 6 DECEMBER 2012

Review Judgment

**CHEDA AJ:** The accused pleaded guilty to two charges of (1) unlawful entry into premises and (2) theft of property valued at \$106.00.

The trial magistrate sentenced him on both counts to \$100 or 3 months and then proceeded to impose an additional sentence of 15 months suspended on conditions of good conduct.

There is no reason or justification for imposing such a heavy suspended sentence. If the crime for which the accused has been convicted merited a fine of \$100 or 3 months, why should an additional suspended sentence of 5 times the current sentence be imposed for the crime that the accused person has not yet committed. The additional suspended sentence is excessive and uncalled for.

In my view an additional sentence of 3 months wholly suspended on the same conditions, if intended to deter the accused, would suffice.

Accordingly, the additional suspended sentence of 15 months is set aside and substituted with 3 months suspended on the same conditions imposed by the trial magistrate.

Cheda AJ .....

Ndou J agrees .....