THE ATTORNEY GENERAL

versus

MAXWELL GOREDEMA

HIGH COURT OF ZIMBABWE

MATHONSI J

HARARE, 31 July 2012

**In Chambers**

MATHONSI J: The accused person was sentenced on 19 September 2011. The application for condonation was filed on 19 June 2012 exactly nine months after the conclusion of the matter. It was filed after the accused had completed his sentence of community service. The delay was inordinate indeed and the reasons given for the delay, namely that the transcription and correction of the record took too long are not good reasons at all.

Clearly the accused person will suffer prejudice if the matter is reopened after he has served his sentence.

More importantly, the record shows that the applicant, through Mr *Mauto* who prosecuted on his behalf, recommended to the trial court, the sentence of community service (See p 59 of the record). He cannot turn round now and seek to challenge that sentence. Therefore, there are no prospects of success on appeal.

I therefore conclude that the application for condonation for seeking leave to appeal out of time is without merit.

It is accordingly dismissed.

*Attorney General’s Office,* applicant legal practitioners

*Mupindu & Mugiya Law Chambers*, respondent’s legal practitioners