

**IN THE HIGH COURT OF NAMIBIA**

In the matter between

**THE STATE**

Versus

**NDIDILE FLORIANO**

1<sup>st</sup> Accused

**PEREIRA JORGE H. JOSE FORTE**

2<sup>nd</sup> Accused

**[HIGH COURT REVIEW CASE NO. 765/07]**

**CORAM: PARKER, J. et MANYARARA, AJ**

Delivered on: 2007 June 20

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**REVIEW JUDGMENT**

**PARKER, J:**

[1] The two accused persons were charged before the Karasburg Magistrate's Court with contravening s. 56 (e) of the Immigration Control Act, 1993 (Act 7 of 1993). Both of them pleaded guilty, and were convicted on their plea of guilty and sentenced accordingly.

[2] I have perused the record, and I am satisfied that the proceedings are in accordance with justice, but the sentence is bad in law and confusing in its formulation. In his response to a query raised by this Court, the learned magistrate agrees that the formulation of the sentence is wrong.

[3] In the result, I make the following orders:

(1) The conviction of each accused person is confirmed.

(2) The sentence of each accused person is set aside and the following is put in its place for each accused person:

N\$500.00 or five months' imprisonment, plus five months' imprisonment wholly suspended for three years on condition that the accused person is not found guilty of the offence of contravening s. 56 (e) of Act 7 of 1993, committed during the period of suspension.

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Parker, J

I, agree.

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Manyarara, AJ