

REPUBLIC OF NAMIBIA



HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK

REVIEW JUDGMENT

<b>Case Title:</b> The State v Michael Angelo Noabeb	<b>Case No:</b> CR 21/2024
<b>High Court MD Review No.:</b> 222/2024	<b>Division of Court:</b> Main Division
<b>Heard before:</b> Shivute J et Christiaan J	<b>Delivered on:</b> 26 March 2024
<b>Neutral citation:</b> <i>S v Noabeb</i> (CR 21/2024) [2024] NAHCMD 132 (26 March 2024)	
<b>The order:</b> <ol style="list-style-type: none"><li>1. The conviction and sentence are confirmed.</li><li>2. The wording of the conviction is altered to read 'convicted of the offence of robbery with aggravated circumstances.'</li></ol>	
<b>Reasons for order:</b>	
SHIVUTE J (CHRISTIAAN J concurring):	

[1] This is a review matter which came before me in terms of section 302(1) of the Criminal Procedure Act 51 of 1977 as amended (the CPA).

[2] The accused appeared in the Okahandja Magistrate's Court on one charge of 'aggravated robbery'. The accused pleaded guilty and the magistrate proceeded to question him in terms of section 112(1)(b) of the CPA. After questioning the accused, the magistrate was satisfied that the accused admitted all the elements of the offence, finding him guilty as charged and sentencing him to a fine of N\$5000 or five (5) months' imprisonment.

[3] When the matter came before me on review, I queried the presiding magistrate on whether the offence for which the accused was convicted, namely, aggravated robbery is a crime in our law.

[4] In reply to the query, the magistrate conceded that there is no offence of aggravated robbery in our law and that the charge should have read 'robbery with aggravating circumstances' as defined in section 1 of the Act.

[5] The magistrate's concession is correctly made.

[6] Magistrates must desist from using informal language when referring to offences in a formal setting and especially in courts of law. The offences must strictly be referred to by their statutory names.

[7] In the result, it is ordered:

1. The conviction and sentence are confirmed.
2. The wording of the conviction is altered to read 'convicted of the offence of robbery with aggravated circumstances.'

<b>N N SHIVUTE JUDGE</b>	<b>P CHRISTIAAN JUDGE</b>