

AMBITION ZHUGA
versus
THE STATE

HIGH COURT OF ZIMBABWE
MUREMBA J
HARARE, 16 June 2021

Chamber application

Applicant in person
S. Mavunganidze, for the State

MUREMBA J: The application for condonation for late noting of appeal is dismissed. The reasons are as follows:

As correctly stated by the respondent's deponent, the applicant has not advanced any grounds of appeal that merit the granting of the application. The purported grounds are just endless submissions that are not clear and concise. It is difficult to ascertain what exactly the applicant is attacking in the judgment of the court *a quo*. With this, it is difficult to see how and where exactly the court *a quo* erred.

Further, having read the whole record of proceedings, I am satisfied that the applicant has no prospects of success on appeal. The complainant's evidence clearly shows that the accused raped her and she was not his wife as he sought to allege. Her evidence was credible. Nothing justifies the setting aside of the conviction.

The accused was sentenced to 20 years imprisonment. The trial magistrate took into account that the accused had raped a married woman whom he had assaulted to induce submission. The evidence shows that he had intruded into her shack at night around 11pm. The complainant was a 52 year old woman. Nothing justifies the setting aside of the sentence.

It is for the above reasons that I dismiss the application.

National Prosecuting Authority, State's legal practitioners