

NOREST CHIKUDZA  
versus  
THE STATE

HIGH COURT OF ZIMBABWE  
CHIKOWERO J  
HARARE, 13 September 2022

### **Chamber Application**

#### **CHIKOWERO J:**

1. This is a meritless application for leave to appeal out of time and to prosecute such appeal in person.
2. Having stolen two she goats, one heifer, one steer and one he goat the applicant pleaded guilty to, and was convicted of four counts of stock theft as defined in s 114(2)(a) of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*].
3. He was sentenced as follows:
  - Count one: 9 months imprisonment of which 3 months imprisonment was suspended for 5 years on the usual conditions of good behavior.  
The remaining 9 months imprisonment was suspended on condition the appellant paid restitution.
  - Count two: 10 years imprisonment of which 1 year was suspended on condition the applicant paid restitution.
  - Count three: 10 years imprisonment of which 1 year imprisonment was suspended on condition the applicant paid restitution.
  - Count four: 6 months imprisonment of which 2 months imprisonment was suspended for 5 years on the usual conditions of good behavior. A further 1 month imprisonment was suspended on condition the applicant restituted.
4. The applicant was convicted and sentenced at Chivhu on 25 August 2014.

5. He filed the present application on 25 August 2022. That is exactly 8 years and one day after he was convicted and sentenced.
6. The delay is amazing, the explanation totally unacceptable and the prospect of success of the intended appeal non-existent. The application is an abuse of court process.
7. The application for leave to appeal out of time and to prosecute the appeal in person be and is dismissed.

*The National Prosecuting Authority, respondent's legal practitioners.*