

THE STATE
versus
JOHN MANYENYE

HIGH COURT OF ZIMBABWE
MAXWELL J
HARARE, 23 and 29 September, 2022

Criminal Review

MAXWELL J:

This matter was placed before me for review. Accused was convicted of physical abuse and malicious injury to property. The sentence for the physical abuse was couched in the following terms:

“COUNT 1: To pay \$10 000 in default of payment 15 days imprisonment. To pay the money through the clerk of court Harare. In addition, 2 months’ imprisonment is suspended on condition accused does not within that period commit any offence involving violence on the person of another for which if convicted accused is sentenced to imprisonment without the option of a fine.”

I noted that there was no mention of the period for which the 2 months were suspended for good behaviour. I sought clarification from the magistrate who indicated that it was an omission and that the intention was to have the two months suspended for five years. The concession is proper.

Accordingly, the sentence is corrected to read:

“COUNT 1: To pay \$10 000 in default of payment 15 days imprisonment. To pay the money through the clerk of court Harare. In addition, 2 months’ imprisonment is suspended **for five years** on condition accused does not within that period commit any offence involving violence on the person of another for which if convicted accused is sentenced to imprisonment without the option of a fine.”

The trial magistrate is directed to ensure that the accused is made aware of the corrected sentence.

MAXWELL J.....

MANYANGADZE J, agrees:.....