

STATE

versus

STEADY BIMHA

HIGH COURT OF ZIMBABWE  
ZISENGWE J  
MASVINGO 28<sup>TH</sup> AUGUST, 2020

Review

ZISENGWE J:

1. **The Background**

1.1. This record of criminal proceedings was referred to this court ostensibly in terms of the Magistrates Court Act, [*Chapter 7:10*], the Magistrate being of the view that only the High Court has the power to bring into operation that portion of a sentence which it (i.e. High Court) suspended in a previous matter.

1.2. Although the matter was not placed before me as a review matter as such, nonetheless decided to exercise the court's powers conferred in terms of s 29(4) of the High Court Act [*Chapter 7:06*] to review the very decision to so refer the record in terms of s 55. The reason for this decision will soon become apparent.

2. **The previous conviction**

2.1. From the record of proceedings it is clear that in case number CRB MSVR 12/18 the accused was convicted in the Magistrates Court of the crime of rape and sentenced to 12 years' imprisonment of which 2 years were conditionally suspended.

2.2. When that matter was submitted for review, the High Court reduced the sentenced

to 36 months' imprisonment of which 12 months were suspended for 5 years on condition accused did not commit any offence of a sexual nature and the remaining 24 months were suspended on condition accused rendered 840 hours of unpaid community service.

3. **The present matter**

3.1. In the present case the accused was convicted by the Magistrate Court sitting at Chivi of contravening s 70(1)(a) of the