

THE STATE
versus
GODFREY MACHAURIRA SIBANDA

HIGH COURT OF ZIMBABWE
MATHONSI J
GWERU 22 MAY 2018

Criminal Trial

T Mupariwa for the state
P Mhaka for the accused

MATHONSI J: The accused person is charged with murder as defined in section 47 of the Criminal Code. The allegations being that on 4 August 2017 at W128 Amaveni Kwekwe, he stabbed his wife several times with a knife unprovoked. Indeed according to the post mortem report prepared by Dr S Pesanai the deceased had not less than eleven stab wounds in his body which caused his death.

We have also received the psychiatric report prepared by Elena Poskotchinova on 12 February 2018. The psychiatrist concluded after examining the accused that at the time of the offence he was suffering from a mental disorder organic psychosis related to epilepsy and substance use disorder. He was mentally disturbed to such an extent he should not be held responsible for his actions.

We are therefore satisfied that this matter should be disposed of in terms of section 29 (2) of the Mental Health Act [Chapter 15:12].

In the result it is ordered that

1. The accused is hereby found not guilty by reason of insanity.
2. The accused shall be returned to prison for transfer to a mental institution for treatment.

National Prosecuting Authority, state's legal practitioners
Mhaka Attorneys, accused's legal practitioners