

KNOWLEDGE ZARANYIKA
versus
THE STATE

HIGH COURT OF ZIMBABWE
BHUNU J
HARARE, 15 June 2010 and 30 June 2010.

A Masamha, for the State

BHUNU J: The applicant is an ex-policeman previously attached to the anti-stock theft unit at Marondera. During the period extending from May to 28 October 2009 he together with three others are alleged to have stolen forty-eight herd of cattle from the complainant.

He has since been convicted of stock theft and sentenced to twenty five years imprisonment.

It is common cause that the applicant irregularly facilitated the clearance of the stolen beasts. At a time he was no longer attached to the anti-stock theft unit and therefore had no business clearing the beasts at all.

Thereafter he irregularly facilitated the acquisition of the animal movement permits when it was not his function to do so.

His conduct in this respect provides a strong nexus between him and the commission of the offence such that his prospects of success on appeal are pretty deem indeed.

Although the sentence is severe it does not seem to induce a sense of shock considering his moral blameworthiness. Even if the sentence were to be reduced on appeal he will still be liable to the mandatory minimum sentence of nine years imprisonment as he appears to have failed to establish the existence of any special circumstances.

It is therefore in his interest and that of the due administration of justice that he should continue to serve his prison term while prosecuting his appeal.

It is accordingly ordered that the application for bail pending appeal be and is hereby dismissed.