

Velabantu Ngcampalala and others - - - - - *Appellants*

v.

The King - - - - - *Respondent*

FROM

THE HIGH COURT OF SWAZILAND

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 25TH JULY, 1951

*Present at the Hearing :*

LORD SIMONDS  
LORD NORMAND  
LORD OAKSEY  
SIR LIONEL LEACH

[*Delivered by* LORD SIMONDS]

This is an appeal from a judgment of the High Court of Swaziland, whereby the four appellants were convicted of murder and were sentenced to death.

The trial was held before the Chief Justice, Sir Walter Harragin, and four assessors (two of whom were natives), all of whom agreed with the judgment.

Special leave to appeal seems to have been given on the ground that upon the face of the record then before their Lordships a doubt arose whether there had not been an infringement and even a serious infringement of the provisions of section 214 and section 268 of the Swaziland Criminal Procedure and Evidence Proclamation, dealing with the evidence of young persons.

Their Lordships accordingly directed that certain enquiries should be made in regard to this matter and humbly advised His Majesty that special leave to appeal should be given.

These enquiries having been made and answered, it is now abundantly clear that a misapprehension arose owing to the abbreviated statement in the record and that, even if there were any irregularities in the taking of evidence of four young persons (as to which their Lordships do not think it necessary to express any final opinion), there was no such infringement of the section as to amount to a miscarriage of justice.

Other aspects of the trial were also criticised by learned counsel, but they appear to their Lordships to afford no ground for disturbing the conviction.

Their Lordships finally wish to express their indebtedness to the learned Chief Justice and the Attorney General for the full and clear way in which they have answered their enquiries.

Their Lordships will accordingly humbly advise His Majesty that this appeal be dismissed.

In the Privy Council

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VELABANTU NGCAMPALALA  
AND OTHERS

p.

THE KING

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DELIVERED BY LORD SIMONDS

Printed by His Majesty's Stationery Office Press,  
Drury Lane, W.C.2.

1951