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IN THE CONSTITUTIONAL COURT OF ZIMBABWE

Constitutional Application No. CCZ 57/2013

In the matter between:

JONATHAN MUTSINZE

and

THE ATTORNEY GENERAL, ZIMBABWE

APPLICANT

RESPONDENT

HARARE: Wednesday the 24th of September 2014 and the 1st of October 2014

Before the Honourable **Mr Justice Chidyausiku**, Chief Justice
the Honourable **Mr Justice Malaba**, Deputy Chief Justice
the Honourable **Mrs Justice Ziyambi**, Judge of Appeal
the Honourable **Mrs Justice Gwaunza**, Judge of Appeal
the Honourable **Mr Justice Garwe**, Judge of Appeal
the Honourable **Mrs Justice Gowora**, Judge of Appeal
the Honourable **Mr Justice Hlatshwayo**, Judge of Appeal
the Honourable **Mr Justice Patel**, Judge of Appeal
and the Honourable **Mrs Justice Guvava**, Judge of Appeal

T.T. G. Musarurwa with *A. Mambosasa* for the Appellant,
E. Nyazamba, for the Respondent

WHEREUPON, after reading the documents filed of record and hearing counsel,

IT IS ORDERED THAT:

1. The application for the trial of the applicant in Case Number CRB 8/2000 to be permanently stayed be and is hereby dismissed.

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2. The matter is remitted to the trial judge at the High Court, Harare, for the reconstruction of the missing record to include the reasons for conviction, proceedings and findings on the question of extenuation and thereafter to proceed to pass sentence.
3. The reasons for this order will follow in due course.
4. There be no order as to costs.

BY THE COURT
[Signature]
REGISTRAR

/ppm