

DELETE WHICHEVER IS NOT !
(1) REPORTABLE: ~~YES~~ NO.
(2) OF INTEREST TO OTHER JUDGES: ~~YES~~ NO.
(3) REVISED: ☒
DATE 9/12/2010
SIGNATURE



9/12/2010
NOT REPORTABLE

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG DIVISION)

Appeal case A107/2010

In the matter between:

MNISI, MTHOBIAI CHARLES

First Applicant

and

THE STATE

Respondent

CORAM EBERSOHN et KOLLAPEN AJJ

DATE HEARD 9th DECEMBER 2010

DATE JUDGMENT HANDED DOWN 9TH DECEMBER 2010

JUDGMENT.

EBERSOHN AJ.

[1] The applicant was convicted by a magistrate on a charge of rape. He appealed to this court and the appeal with regard to the conviction was dismissed but the appeal against the sentence imposed was succesful and the sentence was altered by this court. Thereafter this court was *functis officio*.

[2] The applicant applied on notice of motion to this court for leave to appeal to the Supreme Court of Appeal against his conviction. This procedure is not proper and the way for the applicant to proceed is by way of a petition to the Judge President of the

Supreme Court of Appeal in trms of the Rules of the Supreme Court of Appeal.

[3] The application before us cannot succeed and I propose that the following order be made:

The application is struck from the roll.



P.Z. EBERSOHN

ACTING JUDGE OF THE HIGH COURT

I AGREE AND IT IS SO ORDERED:



N. KOLLAPEN

ACTING JUDGE OF THE HIGH COURT