



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

DATE: 12/5/15

HIGH COURT REF. NO. : 121/2015
MAGISTRATE's SERIAL NO : 1/2015
CASE NUMBER : 325/2014

IN THE MATTER BETWEEN:

THE STATE

AND

DIKHETO MOTHABENG

REVIEW JUDGMENT

TOLMAY, J:

- [1] This matter came before me by way of review.
- [2] The accused was charged with possession of dagga. The accused, who chose to represent himself pleaded guilty as charged and after being questioned by the

presiding magistrate a plea of not guilty was entered. After evidence was led the accused was found guilty as charged. He was sentenced to R4 000-00 or 4 months' imprisonment of which R2 000-00 or 2 months' imprisonment was suspended for 5 years on condition that he not be convicted of section 4 B of Act 140 of 1992 committed during the period of suspension.

[3] The learned magistrate found him guilty of possession of 5.765 kg of dagga whilst the evidence indicated that the correct weight was 5.67 kg.

[4] The reviewing judge Thobane AJ, drew the learned magistrate's attention to this error and the learned magistrate conceded that the conviction should be altered to read:

"Guilty of contravention of section 4(b) of Act 140 of 1992 – possession of 5.67 kg of dagga".

[5] It is clear that the error was a mere typographical error and should be rectified.

[6] Consequently I make the following order:

The conviction is set aside and amended to read:

"The accused is found guilty of contravention of section 4(b) of Act 140 of 1992 – possession of 5.67 kg of dagga".

[7] The sentence is confirmed.



R G TOLMAY
JUDGE OF THE HIGH COURT

I agree



C PRETORIUS
JUDGE OF THE HIGH COURT