



**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

A556/15  
18/8/15

|                                    |                    |
|------------------------------------|--------------------|
| DELETE WHICHEVER IS NOT APPLICABLE |                    |
| (1) REPORTABLE:                    | <del>YES</del> /NO |
| (2) OF INTEREST TO OTHER JUDGES:   | <del>YES</del> /NO |
| (3) REVISED                        |                    |
| 13/8/15                            |                    |
| DATE                               | SIGNATURE          |

High Court Ref No.: 356/2015

Case No.: RH05/2013

In the matter between:

**THE STATE**

and

**MUSA THETE**

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**SPECIAL REVIEW JUDGMENT IN TERMS OF SECTION 304(4) OF THE  
CRIMINAL PROCEDURE ACT, 51 OF 1977**

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A.A.LOUW J

[1] On 10 July 2015 this case was sent for special review by Ms E.M. Theron Aspirant Regional Magistrate Thulamahashe.

[2] The Honourable Magistrate states that she erroneously imposed a sentenced of six (6) years imprisonment in terms of section 276(1)(i) of the CPA instead of five (5) years imprisonment.

[3] She quite correctly sent this case for special review – see section 276(1)(i) of the CPA read with section 73(7)(a) and (b) of the Correctional Services Act, 111 of 1998.

[4] The term of imprisonment therefore has to be altered to five (5) years.

#### Order

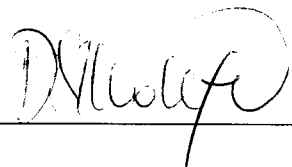
1. The term of six (6) years imprisonment is set aside.
2. It is substituted with a term of imprisonment of five (5) years in terms of section 276(1)(i) of Act 51 of 1977.
3. The effective date of the sentence remains 2 June 2015

A handwritten signature in black ink, appearing to read 'A.A. Louw', is written over a horizontal line.

A.A. LOUW

Judge of the High Court

I agree



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D.S. MOLEFE

Judge of the High Court