

IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Review No. : 175/2014

In the review between:-

THE STATE

Versus

MBONGENI BOOI

CORAM: RAMPAL, AJP *et* JORDAAN, J

JUDGMENT BY: JORDAAN, J

DELIVERED ON: 9 OCTOBER 2014

- [1] In this matter the accused was charged with and arraigned for trial on a charge of reckless or negligent driving. The matter was continuously postponed, because of the non-availability of the police docket and eventually struck off the roll.
- [2] When the matter was struck off the roll the defence moved for an order in terms of section 342A(3)(e) of Act 51 of 1977 for the State to reimburse the accused his travelling expenses to attend the case, which application was granted by the trial magistrate.
- [3] When this matter came to the attention of the district control magistrate for criminal courts in Bloemfontein it was sent

through to this court for a special review in terms of section 304(4) of the Criminal Procedure Act, No 51 of 1977.

[4] The learned control magistrate remarks as follows:

“It is submitted that the magistrate made an invalid order in that section 342A(3)(e) of Act 51/1977 has not yet been put into operation.”

[5] It is therefore asked that the order made by the trial magistrate in terms of the last-mentioned section be set aside. The control magistrate is undoubtedly correct.

[6] In the result the order made by the trial court in terms of section 342A(3)(e) of Act 51 of 1977 is set aside.

A.F. JORDAAN, J

I concur.

M.H. RAMPAL, AJP