



A502/2013.
IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG PRETORIA)

9/7/2013

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED.
DATE	5/7/2013
	SIGNATURE

The Magistrate

BENONI
Review 05/13

Case No: SH560/06

THE STATE / PIET JOHANNES BUDA

REVIEW JUDGEMNET

MAKGOBA, J:

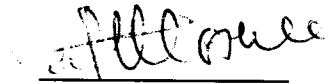
- [1] This matter came before me on special review at the instance of the
Regional Court Magistrate, Benoni.

- [2] The accused was tried and convicted before Regional Court Magistrate, Ms Du Plessis on 22 July 2007. Subsequent to the postponement of the matter for a pre-sentence report the accused absconded.
- [3] The accused was traced, arrested and brought before court on 28 February 2013. Upon retrieval of the charge sheet it was discovered that the cassettes have been misplaced and despite diligent search same could not be found.
- [4] The trial magistrate who convicted the accused has since relocated to Australia. The magistrate who is presently seized with the matter is unable to proceed and finalise the case.
- [5] The magistrate accordingly submitted this matter on special review with the request that the proceedings before Magistrate Du Plessis be set aside.
- [6] I accordingly grant an order that the proceedings be and are hereby set aside and that the trial starts de novo before another magistrate should the State desire to proceed with the prosecution of the accused.



E.M MAKGOBA
JUDGE OF THE HIGH COURT

I agree,



S.P MOTHLE
JUDGE OF THE HIGH COURT