

FREE STATE HIGH COURT, BLOEMFONTEIN
REPUBLIC OF SOUTH AFRICA

Review No : 75/2013

In the review between:

THE STATE

versus

HONEYBALL LEWIS DU PLESSIS

CORAM: LEKALE, J *et* MHLAMBI,AJ

JUDGMENT BY: MHLAMBI,AJ

DELIVERED ON: 11 JULY 2013

- [1] This matter came before us by way of a special review.
- [2] The accused stood arraigned on a charge of assault to which he pleaded guilty before the Magistrate's Court at Bloemfontein. Both the State and the defence requested the Court to apply the provisions of Section 112(1)(a) of Act 51 of 1977.
- [3] He was fined R3000.00 (three thousand rand only) or to undergo 3 (three) months imprisonment wholly suspended for 5 (five) years on condition that he is not convicted of assault committed during the period of suspension.

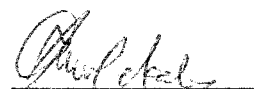
[4] The Magistrate conceded that the fine imposed was in excess of R1500.00 (one thousand five hundred rand) provided for by Section 112(1)(a) of Act 51 of 1977.

[5] I agree with the learned Magistrate and make the following orders:

1. The conviction is confirmed.
2. The sentence is set aside.
3. The record is remitted to the Magistrate for the imposition of a proper sentence.


JJ MHLAMBI, AJ

I concur.


LJ LEKALE, J