

**FREE STATE HIGH COURT, BLOEMFONTEIN**  
**REPUBLIC OF SOUTH AFRICA**

Review No. : 37/2011

In the review between:

**THE STATE**

*versus*

**SEIPATI DIKELEDI MEKOA**

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**CORAM:** VAN ZYL, J *et* ZIETSMAN, AJ

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**JUDGMENT BY:** ZIETSMAN, AJ

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**DELIVERED ON:** 27 OKTOBER 2011

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- [1] This is a special review submitted by the Regional Magistrate Bloemfontein in term of section 304 (4) of Act 51 of 1977.
- [2] Accused was convicted by the regional Magistrate in terms of section 72 (4) of Act 51 of 1977 for failure to appear in Court after accused was properly warned to do so.
- [3] The accused was convicted and sentenced on 28 September 2011 to R500 (five) or 30 (thirty) days imprisonment.

- [4] Section 72 (4) only makes provision for a maximum sentence of R300 (three) or 3 (three) months imprisonment.
- [5] Therefor the sentence imposed on 28<sup>th</sup> of September 2011 is set aside and replaced with a sentence of R200 (two) or 30 (thirty) days imprisonment.

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**P. ZIETSMAN, AJ**

I agree.

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**C. VAN ZYL, J**