



IN THE HIGH COURT OF SOUTH AFRICA

(NORTH AND SOUTH GAUTENG HIGH COURT, PRETORIA)

Date: 25 September 2009

High Court Ref No.: 102S

Magistrate's Serial No.: 12/09

Case No.: A03/09

MAGISTRATE

THE STATE v CHARLES WITNESS MVUBU

REVIEW JUDGMENT

SOUTHWOOD J

- [1] On 29 April 2009 the accused was found guilty of theft in the Tonga magistrate's court and sentence to a fine of R1 000-00 (one thousand rand) or one year imprisonment, wholly suspended for 5 (five) years on condition that the accused is not found committing the same offence in future

- [2] The conviction is in order but the formulation of the suspensive condition for the sentence must be corrected.

ORDER

- [3] (I) The conviction is confirmed

(II) The sentence is set aside and replaced with the following

'A fine of R1 000-00 (one thousand rand) or 1 (one) year imprisonment wholly suspended for 5 years on condition that the accused is not again found guilty of theft committed during the period of suspension ,"

**B.R. SOUTHWOOD JUDGE
OF THE HIGH COURT**

I agree

**E BERTELSMAN JUDGE
OF THE HIGH COURT**