

A 1048/09

SUPREME COURT REF NO: 1554
MAGISTRATE'S SERIAL NO: H 97/09
MAGISTRATE'S CASE NO: 111/00162/08

JUDGE'S CHAMBERS
SUPREME COURT
PRETORIA
0001
~~12 November 2009~~

THE REGISTRAR OF THE SUPREME COURT
PRIVATE BAG X 67
PRETORIA
0001

8/12/09
NOT REPORTABLE

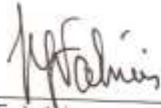
REVIEW:

THE STATE vs. REGINALD TSHIANO MATHATO

JUDGMENT

1. This is a special review in terms of s304 of the Criminal Procedure Act 51 of 1977.
2. The accused herein was erroneously sentenced by the Regional Court to a wholly suspended six (6) years terms of imprisonment on certain conditions
3. The Regional Magistrate has asked that the sentence be set aside in light of the maximum sentence referred to in s 89 (1) of the Electronic Communications Act 25 of 2002, which limits a term of imprisonment to 12 months.
4. The sentence imposed by the Regional Court is therefore set aside and the following sentence is substituted with effect from 12 October 2009:

Twelve month imprisonment which is wholly suspended for five years on condition the accused is not convicted during that period of contravening sections 86(1) and / or s 86(3) of Act 25 of 2002.



Signed: H Fabricius

Acting Judge of the High Court

I agree



W Prinsloo

Judge of the High Court