

A1062/09

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG DIVISION)

8/12/09

DATE: 17 NOVEMBER 2009

NOT REPORTABLE

MAGISTRATE: M. E. LESHOMO
WOLMARANSSTAD

High Court Reference No. 1446

Magistrate serial No. 21/09

Review Case No. M195/2008

THE STATE VS SIMON MOKGABI

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES/NO.

(2) OF INTEREST TO OTHER JUDGES: YES/NO.

(3) REVISED.

19 Nov 2009

DATE



SIGNATURE

REVIEW JUDGMENT

LEDWABA (J):

1. This is a review in terms of **section 304 of the Criminal Procedure Act 51 of 1977.**
2. After perusing the record of the proceedings I was satisfied that the proceedings were in accordance with justice except for the fact that the sentence lacked the pronouncement for how long the part of the suspended sentence was suspended.
3. The magistrate, in his/her response to the query conceded that he/she omitted to state for how long the part of the sentence

was to be suspended and suggested that the period of suspension should be five (5) years.

4. I therefore, make the following order:

(i) The conviction is confirmed.

(ii) The sentence is corrected to read as follows:

"Counts 1 and 2 are taken together for purposes of sentencing; accused is sentenced to R 3000 (three thousand rand) or 18 (eighteen) months imprisonment plus a further (6) six months imprisonment which is wholly suspended for a period of five (5) years on condition the accused is not convicted of assault during the period of suspension".

(iii) Payment of the fine is to be paid in installments as set out in annexure "E".

A. P. LEDWABA
JUDGE OF THE HIGH COURT

I agree,

T. M. MAKGOKA
JUDGE OF THE HIGH COURT