

IN THE HIGH COURT OF SOUTH AFRICA
(ORANGE FREE STATE PROVINCIAL DIVISION)

Case No.: 241/2008

In the case between:

THE STATE

and

XOLILE ALI JEFFREY

JUDGMENT: VAN DER MERWE, J

DELIVERED ON: 11 JULY 2008

[1] The accused was properly convicted, upon his plea of guilty, of housebreaking with the intent to steal and theft of linen, clothing and crockery to the value of approximately R800,00. The accused was then sentenced to 9 months imprisonment wholly conditionally suspended for a period of 3 years.

[2] There is no reason to interfere on review with the sentence of 9 months imprisonment wholly suspended as such; if the magistrate erred it was on the side leniency. However, as the magistrate concedes, a mistake crept in with the wording of the conditions of suspension and that must be corrected.

- [3] In the result the conviction is confirmed but the sentence is altered to read that the accused is sentenced to 9 months imprisonment wholly suspended for a period of 3 years on condition that the accused is not convicted of housebreaking with intent to commit any crime or attempt thereto or theft or attempted theft committed during the period of suspension.

C.H.G. VAN DER MERWE, J