

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

Review No.: 419/08

In the review between:

THE STATE

and

JOHN DUMISI

CORAM: EBRAHIM, J *et* VAN DER MERWE, J

JUDGEMENT: EBRAHIM, J

DELIVERED ON: 7 AUGUST 2008

[1] This matter was referred to this court on special review in terms of section 304(4) of the Criminal Procedure Act 51 of 1977. The accused was convicted of the crime of assault with intent to do grievous bodily harm and sentenced to undergo 6 (six) months imprisonment or pay a fine of R3 000,00 which sentence was wholly suspended for three years conditionally.

[2] The presiding magistrate, who was an acting magistrate at the time, convicted the accused on the strength of a written

statement handed in on his behalf by his legal representative in terms of subsection 112(2) of Act 51/1977.

- [3] In my view the proceedings were conducted in accordance with justice. Accordingly I order that the conviction and sentence be confirmed.

S. EBRAHIM, J

I concur.

C.H.G. VAN DER MERWE, J