

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

Review No.: 422/08

In the review between:

THE STATE

and

MEMEL JEREMIAH HLATSWAYO

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.

[2] The presiding officer, an acting magistrate, convicted the accused of contravening the provisions of subsection 65(2) (a) & (b) of the National Road Traffic Act 93 of 1996 to wit driving a vehicle whilst the concentrate of alcohol in his blood was not less than 0,05 grams per 100 millilitre and sentenced him to undergo 6 (six) months imprisonment or

pay a fine of R3 000,00 both of which were wholly suspended conditionally for three years. The accused was convicted on the basis of a written statement handed in on his behalf by his legal representative in terms of subsection 112(2) of the Criminal Procedure Act 51 of 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