

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

Review No.: 427/08

In the review between:

THE STATE

and

PETER APRIL SEKATI

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

JUDGEMENT: EBRAHIM, J

DELIVERED ON: 7 AUGUST 2008

[1] This is a 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 the contravention of section 4(b) of the Drugs Trafficking Act 140 of 1992 in respect of the possession of 21 grams of dagga on his plea of guilty in terms of section 112(1)(a) of the Criminal Procedure Act. The presiding officer then proceeded to sentence the accused to 60 (sixty) days imprisonment which was then wholly suspended for

three years on conditions. The sentence is wholly incompetent in light of the provisions of section 112(1)(a)(i).

- [3] As the proceedings were not conducted in accordance with justice I order that the sentence be set aside. In its place a sentence of R300,00 or 30 (thirty) days imprisonment is imposed, wholly suspended for 3 (three) years on condition that the accused is not convicted of a contravention of subsection 4(b) of the Drugs and Drug Trafficking Act 140/1992 committed during the period of suspension.

S. EBRAHIM, J

I concur.

C.H.G. VAN DER MERWE, J