

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

Review No.: 749/2007

In the review between:-

THE STATE

and

LIHLE STEVEN SHABALALA

CORAM: H.M. MUSI, J *et* EBRAHIM, J

JUDGMENT: EBRAHIM, J

DELIVERED ON: 20 SEPTEMBER 2007

[1] This matter was placed before me by way of special review pursuant to a request made by the Regional Magistrate, Bloemfontein with the following comment:

“The accused in the above matter was charged and convicted of robbery. He is sentenced to five (5) years correctional supervision in terms of sectional 276(1)(h) of the Criminal Procedure Act 51 of 1977. This matter is forwarded to the Honourable Reviewing Judge as special review because, the

period of five (5) years correctional supervision sentence in this matter is incorrect according to section 276(1)(h) of 51/1977.

The Honourable Reviewing Judge is humbly requested to amend the present sentence to read: Three (3) years correctional supervision in terms of section 276(1)(h) of Act 51/1977 with conditions as on annexure X of the sentence.”

[2] In terms of subsection 276(A)(1)(b) the sentence of 5 (five) years imprisonment is irregular. Accordingly the proceedings are not in accordance with justice. The sentence of 5 (five) years imprisonment is thus set aside and in its place a sentence of 3 (three) years imprisonment is substituted subject to the conditions contained in annexure “A”.

S. EBRAHIM, J

I concur.

H.M. MUSI, J
