

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

Review No. : 407/2005

In the review between:

THE STATE

versus

RANEO DAVID NYANGWA

CORAM: CILLIé J *et* EBRAHIM J

JUDGMENT: EBRAHIM J

DELIVERED ON: 28 APRIL 2005

[1] This matter comes before me on special review by reason of the fact that prior to judgment being given the cassette recordings of all of the evidence taken during the trial disappeared without trace. We are advised that it is impossible for the record of the evidence to be reconstructed.

[2] In light of the decisions in

1. **S v JOUBERT** 1991 (1) SA 119 (A) at 126 E – F
2. **S v APPEL** 2004 (2) SACR 360 (ECD)

The proceedings must therefore be set aside.

[3] The following order is made:

1. The proceedings are set aside.

S. EBRAHIM, J

I concur.

C.B. CILLIé, J

/sp