

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

Review No. : 638/2005

In the review between:

THE STATE

versus

MALEFETSANE SEKETE

CORAM: HANCKE J *et* WRIGHT J

JUDGMENT: HANCKE J

DELIVERED ON: 26 MAY 2005

The accused was convicted on two counts of assault with intent to do grievous bodily harm, and sentenced as follows:

“To pay R1 500,00 (one thousand five hundred rand) or to undergo six (6) months imprisonment. Both counts to run concurrently plus a further twelve (12) months imprisonment wholly suspended for two (2) years on conditions that the accused is not convicted of assault with intent to do grievous bodily harm committed during the period of suspension. Inquiry in terms of section 103(2) Act 60/2000 held as per

annexure 'B'."

Although the convictions are in order the sentence does not make sense, and needs some clarification.

Accordingly the convictions are confirmed. The sentence is set aside and substituted with the following sentence *antedated* 11 April 2005:

Both counts are taken together for the purposes of sentence.

The accused is sentenced to pay a fine of R1 500,00 (one thousand five hundred rand) or to undergo six (6) months imprisonment, plus a further twelve (12) months imprisonment, wholly suspended for two (2) years on condition that the accused is not convicted of assault with intent to do grievous bodily harm committed during the period of suspension. In terms of section 103(2) of Act 60/2000 the accused is declared unfit to possess a firearm.

I agree.

S.P.B. HANCKE, J

G.F. WRIGHT, J

/sp