

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

Review no: 1105/2004

In the review of:

THE STATE

and

CECILIA MAMOKGOBI FIHLO

CORAM: **LOMBARD *et* VAN COPPENHAGEN JJ**

JUDGMENT: **LOMBARD J**

DELIVERED ON: **19 AUGUST 2004**

The accused was properly convicted of possessing 0,022 gram dagga (contravening section 4 (b) of Act 140 of 1992) and was sentenced to R3000.00 or 18 months imprisonment.

The sentence is in my view so disturbingly inappropriate that it must be interfered with. The accused is 43 years old, she is unmarried

and has 2 children to support. She has one previous conviction for possession of dagga for which she was during November 2003 sentenced to a fine of R700,00 or 3 months imprisonment.

In the circumstances the conviction is confirmed but the sentence is set aside and substituted with the following:

R1000,00 or 4 months imprisonment.

The sentence will be regarded as having been imposed on 25 June 2004.

D.J. LOMBARD J

I concur:

G. VAN COPPENHAGEN J

/ec