

SOUTH AFRICA / JUDGMENT

Hendricks v S (A343/2007) [2008] ZAWCHC 179 (18 April 2008)

[2008] ZAWCHC 179

COURT

Western Cape High Court, Cape Town

BEFORE

Meer, N C Erasmus

CASE / FILE NUMBER

A343/2007

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

Source record

IN

THE HIGH COURT OF SOUTH AFRICA

(CAPE

OF GOOD HOPE PROVINCIAL DIVISION)

CASE

NO: A343/2007

DATE: 18

APRIL 2008In the matter
between:SEVORO
HENDRICKS Appellantand
THE
STATE Respondent

JUDGMENT

MEER, J:

- [1] On 1 March 2007 appellant was convicted in the Wynberg Regional Court for contravening two protection orders issued in terms of the Domestic Violence Act, 116 of 1998. In contravention of the orders, the appellant had on 27 April 2006 entered the home of Yvonne Samuels and sworn at her. He had again entered her home on 10 May 2006 and sworn at her daughter. Appellant was sentenced to three years' imprisonment on each count, an effective six years' imprisonment. Appellant appeals against his sentence, contending in essence that it is excessive.

[2] In sentencing appellant, the magistrate drew attention to the fact that he had been convicted before of a similar offence and also for assault. In the light of his previous convictions and disregard for the law, a direct period of imprisonment said the magistrate, was called for on each count. The circumstances, moreover, did not warrant that the sentences run concurrently.

[3] Mr Maartens for respondent drew our attention to the fact that the two charges forming the subject of this appeal in essence comprised a verbal

crimen injuria and conceded that the sentences were severe. I am in agreement with these submissions. Although section 178 of Act 116 of 1998 provides for a maximum of five years' imprisonment, the conduct of appellant apropos the two counts do not in all the circumstances, warrant the sentences imposed which, in my view, can be seen as excessive. The sentences, therefore, fall to be amended on appeal.

[4] I would accordingly substitute the sentence with the following sentences:

Count 1

- six months' imprisonment

Count 2

- six months' imprisonment

MEER. J

N C ERASMUS, J: I agree. The imposed sentences by the magistrate are set aside and substituted with the sentences proposed by my colleague.

N C ERASMUS, J

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAWCHC/2008/179.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/hendricks-v-s-domestic-violence-act-awchc-2008-a343-2007>

Prepared on 14 October 2026 · Esheria