

SOUTH AFRICA / JUDGMENT

Mahlangu and Others v S (A940/12) [2018] ZAGPPHC 157 (4 April 2018)

[2018] ZAGPPHC 157**COURT**

North Gauteng High Court, Pretoria

BEFORE

N M Mavundla, L M Molopa-Sethosa, Ranchod

CASE / FILE NUMBER

A940/12

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CASE NUMBER: A940/12

NGHC CASE No CC317/2004

4 APRIL 2018

In the matter between:

ZABENZENI MALI MAHLANGU FIRST APPELLANT

GIBI DRIVER MAHLANGU SECOND APPELLANT

THOMAS JABULANI MAHLANGU THIRD APPELLANT

VS

THE STATE RESPONDENT

AMENDED ORDER

M A VUNDLA J,

[1] This court on the 29 / 03 / 2018 issued the following order in this matter:

"[20] In the premises, the appeal against both conviction and sentence in respect of all counts are set aside."

[2] It would seem that the order as it stands is vague and or ambiguous and the parties have requested that the order be more specific.

[3] In as much as it may seem that the court is functus officio, the court may amend and or clarify its judgment to cure any ambiguity or vagueness.

[4] In the circumstances the order of the 29 / 03 / 2018 is hereby amended in toto to read as follows :

[20] In the premises, the following order is issued:

1. The appeal of the three appellants against:
 - 1.1 convictions on count 1 of murder;
 - 1.2 count 2 of robbery;
 - 1.3 sentence of life imprisonment;
 - 1.4 sentence of 15 (fifteen years') imprisonment Are upheld;
2. The convictions and the sentences imposed are all set aside.

N. M. MAVUNDLA

JUDGE OF THE HIGH COURT

I agree and it is so ordered.

L. M. MOLOPA-SETHOSA

I agree and it is so ordered

RANCHOD J

DATE OF HEARING

: 13 / 10 / 2018

DATE OF JUDGMENT : 29 I 03 I 2018

DATE OF AMENDED ORDER : 04 / 04 / 2018

APPELLANTS ADV

ATT O. P. MAKUBE

INSTRUCTED BY

ATT MAKUBE

RESPONDENT'S ADV ADV S. SCHEEPERS

INSTRUCTED BY

DIRECTOR OF PUBLIC PROSECUT ION

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