

SOUTH AFRICA / JUDGMENT

Mokoena v S (25/2019) [2024] ZAFSHC 26 (1 February 2024) [2024] ZAFSHC 26

COURT

Free State High Court, Bloemfontein

BEFORE

Mhlambi

CASE / FILE NUMBER

25/2019

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IN

THE HIGH COURT OF SOUTH AFRICA,

FREE

STATE DIVISION, BLOEMFONTEIN

Case

number: 25/2019

In

the matter between:

FUSI
HAMILTON MOKOENA
Applicant
and
THE STATE
Respondent

JUDGMENT

BY:

MHLAMBI J,

DELIVERED ON:

01 FEBRUARY 2024

APPLICATION FOR LEAVE TO APPEAL

- [1] In this application, the applicant sought an order that condonation be granted for the late service and filing of this application and founding affidavit as well as that leave to appeal against the applicant's conviction and sentence be granted to the full bench of this court.
- [2] In his heads of argument and subsequent correspondence, the applicant indicated that he wished to proceed with the application for leave to appeal against sentence only. He therefore abandoned the leave to appeal against the conviction.
- [3] I have read both the applications for condonation and leave to appeal and I am satisfied that both should be granted.
- [4] Consequently, I make the following order.

Order:

1. Condonation is granted for the late service and filing of the late filing of this application;
2. Leave to appeal against sentence to the Full Court of this Division is granted.

MHLAMBI, J

Counsel for the applicant: Mr. P Peyper

Instructed by:

Payper & Botha Attorney Inc.

39C First Avenue

Westdene

Bloemfontein

Counsel for the respondent: Adv. Pienaar

Instructed by:

Director of Public Prosecutions

Waterfall Building

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/mokoena-v-s-unknown-topic-afshc-2024>

Prepared on 10 October 2026 · Esheria