

SOUTH AFRICA / JUDGMENT

S v Adanlawwa (201/15, A375/2015) [2015] ZAGPPHC 495 (11 June 2015)

[2015] ZAGPPHC 495

COURT

North Gauteng High Court, Pretoria

BEFORE

BAM, S POTTERILL

CASE / FILE NUMBER

201/15, A375/2015

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION. PRETORIA

Case Nr. 201/15

A375/2015

DATE: 11 JUNE 2015

THE STATE

v

JO ADANLAWA

JUDGMENT: REVIEW

BAM J

1. This matter was submitted by the Chief Magistrate, Pretoria, for special review in terms of section 304(4) of the Criminal Procedure Act, Nr 51 of 1977.
2. The accused, charged with theft, had to appear in the magistrate's court sitting at Hatfield. Assisted by an unknown legal representative, before appearing in court, the accused paid an admission of guilt in the amount of R300.
3. In his affidavit the accused, a foreigner, stated that he had no intention to plead guilty to the charge but that he had been misled by the person who represented himself as a lawyer to pay the amount of R500 where after he would have been discharged. After having paid the said amount he was indeed set free.

4. From the set of documents before us it appears that the accused paid the admission of guilt fine and that he in fact signed the relevant document.
5. However, after having considered all the facts we arrived at the conclusion that it is probable that the accused did not fully appreciate what was happening and that it cannot be found that he understood and realised what the consequences of the admission of guilt entailed.
6. The comment furnished by the representatives of the Director of Public Prosecutions, Pretoria, Adv Creighton and Adv Leonard SC, dated 21 May 2015, which is in agreement with our conclusion, is appreciated.

ORDER

The admission of guilt in case Nr. 222/519/12: J 0 ADANLAWA; is set aside.

A J BAM JUDGE S POTTERILL JUDGE

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