

SOUTH AFRICA / JUDGMENT

S v Baloyi (A453/09) [2009] ZAGPPHC 233 (1 June 2009)

[2009] ZAGPPHC 233

COURT

North Gauteng High Court, Pretoria

BEFORE

C Botha, N Ranchod

CASE / FILE NUMBER

A453/09

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

NOT REPORTABLE

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH GAUTENG HIGH COURT, PRETORIA)

Date: 1 June 2009

DATE: 27 May 2909

Case Number:A453/09

MAGISTRATE RAMOKGOPA ;

Case No: P542/07

Magistrate's serial no:

High Court Ref No: 1753

THE STATE VS MABURAKA THOMAS BALOYI

REVIEW JUDGMENT

The accused was found guilty of housebreaking with intent to trespass and sentenced to two years' imprisonment The entire sentence was suspended for five years.

The magistrate referred the matter for special review because it occurred to him that he may have erred in convicting the accused as he did. It seems to me that the magistrate's doubts revolved round the reference to the offence of trespass without any reference to its statutory basis.

The state advocates, in their helpful memorandum, have demonstrated that the accused was correctly found guilty but that the conviction should have contained a reference to section 1(i) of the Trespass Act. 1959 (Act 6 of 1959).

I also agree that the sentence is appropriate.

The following order is made:

1. The conviction is confirmed as a conviction of housebreaking with the intent to be on the premises broken into without permission in contravention of Section 1(1) of the Trespass Act, 1959 (Act 6 of 1959).
2. The sentence is confirmed.

C BOTHA .

JUDGE OF THE HIGH COURT

I agree

N RANCHOD

ACTING JUDGE OF THE HIGH COURT

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/ZAGPPHC/2009/233.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-baloyi-unknown-topic-agpphc-2009>

Prepared on 9 October 2026 · Esheria