

SOUTH AFRICA / JUDGMENT

S v BMS (V2962/13, A920/2013) [2013] ZAGPPHC 469 (14 November 2013)

[2013] ZAGPPHC 469**COURT**

North Gauteng High Court, Pretoria

BEFORE

BAM, HJ Fabricius

CASE / FILE NUMBER

A906/13

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Source record**IN THE HIGH COURT****OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA****REVIEW 919/2013****Case****no: A906/13****DATE:**

11 NOVEMBER 2013

In the matter

between

State

vs

HUNBULANI MICKSON

NEMASISI

REVIEW

JUDGMENT**BAM AJ**

1. The accused was charged in the Magistrate's Court, Polokwane, on one count of fraud. The matter became partly heard before Magistrate du Preez in 2011. During October 2012 the record of the proceedings was destroyed by a fire at the court house. The notes kept by the magistrate were also destroyed. Attempts to reconstruct the record were unsuccessful.
2. The matter was sent on review by the Head of Office, Polekwane, for the consideration to set aside the proceedings.

3. The matter was forwarded to the Director of Public Prosecutions for comment. In the response, received on 6 November 2103, it was suggested by Deputy Director Leonard SC, and Adv Roos, of that office, that the proceedings ought to be said aside.
4. We are in agreement with the said suggestion. The Director of Public Prosecutions has the prerogative to decide about any future steps pertaining to the matter.
5. The following order is made.

The proceedings in case nr DC 1389/2010, Polokwane, is set aside.

A J BAM

ACTING JUDGE OF THE HIGH COURT

HJ FABRICIUS

JUDGE OF THE HIGH COURT

7 November 2013

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