

SOUTH AFRICA / JUDGMENT

S v Botha (A208/14) [2014] ZAGPPHC 225 (27 March 2014)

[2014] ZAGPPHC 225

COURT

North Gauteng High Court, Pretoria

BEFORE

H. J. Fabricius, D.S. Fourie

CASE / FILE NUMBER

A208/14

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IN THE NORTH GAUTENG HIGH
COURT, PRETORIA

(REPUBLIC OF SOUTH
AFRICA)

27 March 2014

A208/14

LANDDROSKANTOOR
MAGISTRATE'S OFFICE
EVANDER

2280

THE STATE VERSUS J. BOTHA

Special review: 11/2014

Case number: AOG 600/14

High Court reference
number: 231/14

JUDGMENT

Fabricius J,

1. The review relates to a speeding offence in terms of the Road Traffic Act 93 of 1996
2. The charge was formally withdrawn by the Public Prosecutor on 10 December 2013.
3. However, on 14 January 2014 an admission of guilt of R250 was paid.

4. The Magistrate received the documents on 25 February 2014 in accordance with the provisions of s. 57 (7) of the Criminal Procedure Act 51 of 1977, and should have ordered that the fine be re-paid as the conviction was not in accordance with justice.
5. This was the view of the Senior Magistrate who placed the review before me. I agree.
6. The proceedings are set aside and the amount of R250 is to be re-paid.

H. J. FABRICIUS

JUDGE OF THE HIGH COURT

I agree

D.S. FOURIE

JUDGE OF THE HIGH COURT

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