

SOUTH AFRICA / JUDGMENT

S v Buda (A502/2013) [2013] ZAGPPHC 190 (9 July 2013) [2013] ZAGPPHC 190

COURT

North Gauteng High Court, Pretoria

BEFORE

E.M Makgoba, S.P Mothle

CASE / FILE NUMBER

A502/2013

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NOT REPORTABLE

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH GAUTENG HIGH COURT)

The Magistrate

BENONI Review 05/13

Case No: SH560/06

CASE NO:A502/2013

DATE:09/07/2013

THE STATE / PIET JOHANNES BUDA

REVIEW JUDGEMNET

MAKGOBA, J:

[1] This matter came before me on special review at the instance of the Regional Court Magistrate, Benoni.

[2] The accused was tried and convicted before Regional Court Magistrate, Ms Du Plessis on 22 July 2007. Subsequent to the postponement of the matter for a pre-sentence report the accused absconded.

[3] The accused was traced, arrested and brought before court on

28 February 2013. Upon retrieval of the charge sheet it was discovered that the cassettes have been misplaced and despite diligent search same could not be found.

- [4] The trial magistrate who convicted the accused has since relocated to Australia. The magistrate who is presently seized with the matter is unable to proceed and finalise the case.
- [5] The magistrate accordingly submitted this matter on special review with the request that the proceedings before Magistrate Du Plessis be set aside.
- [6] I accordingly grant an order that the proceedings be and are hereby set aside and that the trial starts de novo before another magistrate should the State desire to proceed with the prosecution of the accused.

E.M MA^{GO}A

JUDGE OF THE HIGH COURT

I agree,

S.P MOTHLE

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