

SOUTH AFRICA / JUDGMENT

S v Eyman (140007) [2014] ZAECHGHC 22 (17 February 2014) [2014] ZAECHGHC 22

COURT

Eastern Cape High Court, Grahamstown

BEFORE

C Plasket, J J Nepgen

CASE / FILE NUMBER

140007

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

Source record

IN

THE HIGH COURT OF SOUTH AFRICA

EASTERN

CAPE PROVINCIAL DIVISION – GRAHAMSTOWN

Review

No: 140007

Date

delivered: 17/2/14

Not

reportable

In

the matter between:

THE
STATE
and
EDGAR
EYMAN

JUDGMENT

PLASKET J

- [1] This special review illustrates, I suppose, that it is unsafe to assume that because a person pleads guilty to a charge he or she is in fact guilty.

- [2] On 30 January 2014 in the Magistrate's Court, Humansdorp, the matter of The State v Edgar Eyman, under case number 190/14, was called. A man claiming to be Edgar Eyman stepped into the dock, confirmed that he did not require legal representation after his right to be legally represented was explained to him and said that he had had access to the docket.
- [3] After a charge of theft (of a roll of polony worth R10.88) was put to him, he pleaded guilty and the matter was dealt with in terms of s 112(1)(a) of the Criminal Procedure Act 51 of 1977. This provision allows a magistrate to convict a person on the basis of his or her plea of guilty, and without questioning him or her, if the magistrate is 'of the opinion that the offence does not merit punishment of imprisonment or any other form of detention without the option of a fine or of a fine' exceeding R1 500.
- [4] The accused was then sentenced to a fine of R250 or 50 days imprisonment suspended on the usual condition for five years.
- [5] Later that day, the real Edgar Eyman came forward to enquire when his case would be heard. It transpired that the man who had claimed to be him was in fact one Dawid Swart who was facing three charges under case number 146/14. Swart had disappeared.
- [6] Edgar Eyman's case was then disposed of under a new case number and this matter was referred to this court to be reviewed and set aside.
- [7] It is clear on the basis of the facts that I have set out that it must be set aside. I therefore make the following order.

The proceedings in case number 190/14 in the Magistrate's Court, Humansdorp on 30 January 2014, including the conviction and sentence imposed on the accused, are set aside.

C. PLASKET

JUDGE OF THE HIGH COURT

I agree.

J J NEPGEN

ACTING JUDGE PRESIDENT

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/ZAECGHC/2014/22.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-eyman-unknown-topic-aecghc-2014>

Prepared on 11 October 2026 · Esheria