

SOUTH AFRICA / JUDGMENT

S v Hlongwane (167/17) [2017] ZAGPPHC 863 (15 June 2017)

[2017] ZAGPPHC 863

COURT

North Gauteng High Court, Pretoria

BEFORE

H.J Fabricius, D. S. Fourie

CASE / FILE NUMBER

167/17

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IN

THE HIGH COURT OF SOUTH AFRICA

(GAUTENG

DIVISION, PRETORIA)

Review

Case Number: 167/17

Not

reportable

Not

of interest to other judges

Revised.

15/06/2017

In

the matter between:

THE STATE
AND
NEO
HLONGWANE
REVIEW

JUDGMENT

Special Review in terms of s. 304 A (a) of the Criminal Procedure Act

Fabricius J,

1.

This Special review was placed before me by the Magistrate, Shoshanguve on the basis that the proceedings against the accused were not in accordance with justice.

2.

The accused pleaded guilty to a charge of stealing two chicken pies. He was duly convicted. According to the charge sheet he was 28 years old.

3.

It then appeared that the accused was in fact below the age of 18. This meant that the procedure envisaged by s. 85 of the Child Justice Act 75 of 2008, should have been followed.

4.

The proceedings must therefore be set aside, and this is accordingly done.

JUDGE H.J FABRICIUS

JUDGE OF THE HIGH COURT GAUTENG DIVISION, PRETORIA

And

I Agree

JUDGE D. S. FOURIE

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Prepared on 10 October 2026 · Esheria