

SOUTH AFRICA / JUDGMENT

S v Jara (413/2005) [2005] ZAFSHC 48 (12 May 2005) [2005] ZAFSHC 48

COURT

Free State High Court, Bloemfontein

BEFORE

Ebrahim, Cillie

CASE / FILE NUMBER

413/2005

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IN THE HIGH COURT OF SOUTH AFRICA

(ORANGE FREE STATE PROVINCIAL DIVISION)

Review No. : 413/2005

In the review between:

THE STATE

versus

SIVUYILE SIDWELL JARA

CORAM: CILLIË J et EBRAHIM J

JUDGEMENT: EBRAHIM J

DELIVERED ON: 12 MAY 2005

- [1] This matter was placed before me by way of ordinary review procedure.
- [2] On consideration, it became apparent that the sentence imposed by the learned magistrate was improper in that it did not comply with the provisions of section 17E of Act 140/1992 - (The Abuse of Dependence Producing Substances Act 1992) which compels a sentence of imprisonment to be imposed on an offender convicted of the offence of dealing in dagga (section 5(b) of Act 40/1992).
- [3] The learned magistrate has conceded that the sentence is not competent and that it ought to be set aside.

[4] It is accordingly ordered that the sentence imposed be set aside and substituted with the following sentence:

18 (Eighteen) months imprisonment wholly suspended for 3 (three) years on conditions that accused is not convicted of contravention of Section 5(b) Act 140 of 1992 committed during period of suspension and a further R5 000,00 (Five thousand Rand) or 18 (eighteen) months imprisonment.

S. EBRAHIM, J

I concur.

C.B. CILLIA©, J

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