

SOUTH AFRICA / JUDGMENT

S v Lewis du Plessis (75/2013) [2013] ZAFSHC 129 (11 July 2013) [2013] ZAFSHC 129

COURT

Free State High Court, Bloemfontein

BEFORE

Mhlambi, Lekale

CASE / FILE NUMBER

75/2013

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Source record

FREE

STATE HIGH COURT. BLOEMFONTEIN

REPUBLIC OF SOUTH

AFRICA

Review

No : 75/2013

In

the review between:

THE
STATE
versus
HONEYBALL
LEWIS DU PLESSIS

CORAM:

LEKALE, J et
MHLAMBI.AJ

JUDGMENT

BY: MHLAMBI.AJ

DELIVERED ON: 11 JULY 2013

[1] This matter came before us by way of a special review.

[2] The accused stood arraigned on a charge of assault to which he pleaded guilty before the Magistrate's Court at Bloemfontein.

Both the State and the defence requested the Court to apply the provisions of Section 112(1)(a) of Act 51 of 1977.

- [3] He was fined R3000.00 (three thousand rand only) or to undergo 3 (three) months imprisonment wholly suspended for 5 (five) years on condition that he is not convicted of assault committed during the period of suspension.
- [4] The Magistrate conceded that the fine imposed was in excess of R1500.00 (one thousand five hundred rand) provided for by Section 112(1)(a) of Act 51 of 1977.

[5] I agree with the learned Magistrate and make the following orders:

1. The conviction is confirmed.
2. The sentence is set aside.
3. The record is remitted to the Magistrate for the imposition of a proper sentence.

JJ MHLAMBI,AJ

I concur

LJ LEKALE, J

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