

SOUTH AFRICA / JUDGMENT

S v Mathetsa (354/05) [2009] ZAGPJHC 88 (28 July 2009)

[2009] ZAGPJHC 88**COURT**

South Gauteng High Court, Johannesburg

BEFORE

N.P. Willis, F.H.D. Van Oosten

CASE / FILE NUMBER

354/05

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

Source record**IN****THE HIGH COURT OF SOUTH AFRICA****(WITWATERSRAND****LOCAL DIVISION)****REFERENCE****NUMBER:**

Magistrate's
review. no: 31/05 (Westonaria)
Westonaria serial number
A861/04
High Court Case no
354/05
THE
STATE
versus
THEBOGO
MPHO MATHETSA.....Accused
REVIEW

JUDGMENT**WILLIS J:**

The accused was charged with contravening section 63(1) read with sections 1, section 63(2), 63(3), 69, 73 and 89 of the Road Traffic Act No. 93 of 1996.

He was found guilty and sentenced to 36 (thirty-six) months imprisonment of which 18 (eighteen) months was suspended for a period of 5 (five) years on condition that he was not found guilty of reckless or negligent driving committed during the period of suspension. The sentence was imposed on 31st March, 2005. Subject to the provisions of section 35 of that Act the accused was also disqualified from obtaining a driver's license for a period of six months.

The matter originally came before Du Toit AJ by way of review. Du Toit AJ ordered the immediate release from custody of the accused and indicated that judgment would follow.

It would appear from statements filed by Mrs C.M. Van Heerden, the Acting Head of the Court at Westonaria and Ms L. Daniel, the clerk of the court that despite numerous attempts to follow up the matter, the record of the proceedings has been lost.

The only way in which the matter can now be regularized is to set aside the conviction and sentence of the accused.

The following order is made:

The conviction and sentence of the accused are set aside.

DATED AT JOHANNESBURG THIS 28th DAY OF JULY, 2009.

N.P. WILLIS

JUDGE OF THE HIGH COURT

I agree.

F.H.D. VAN OOSTEN

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/ZAGPJHC/2009/88.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-mathetsa-unknown-topic-agpjhc-2009>

Prepared on 10 October 2026 · Esheria