

SOUTH AFRICA / JUDGMENT

S v Mdepha (CAP 01/2025) [2025] ZANWHC 32 (3 February 2025)

[2025] ZANWHC 32

COURT

North West High Court, Mafikeng

BEFORE

JT Djaje, FMM Reid

CASE / FILE NUMBER

CAP 01/2025

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IN

THE HIGH COURT OF SOUTH AFRICA

NORTH WEST DIVISION,

MAHIKENG

HIGH COURT REF NO: CAP

01/2025

CASE NO: RC/182/2017

MAGISTRATES PETITION

NO. 09/2022

Reportable:

YES / NO

Circulate

to Judges: YES / NO

Circulate

to Magistrates: YES / NO

Circulate

to Regional Magistrates: YES / NO

In

the matter between:

THE

STATE

And

MDEPHA

MVELIZWA

Delivered: This judgment is handed down electronically by circulation to the parties through their legal representatives' email addresses.
The date for the hand-down is deemed to be 03 FEBRUARY 2025.

ORDER

The following order is

made: 1.
The petition against sentence is dismissed.
2.
A copy of this judgment should be brought to the attention of the Provincial Director of Court Operations for appropriate action
PETITION

JUDGMENT

DJAJE DJP

- [1] This is a petition that was sent to the High Court from Magistrate Court Potchefstroom on 11 April 2024. It was received by the office of the Registrar in the Criminal section on 17 April 2024. The file was allocated a criminal appeal case number CA 18/2024. It was only brought to the office of the Judge President and allocated on 23 January 2025. The explanation from the office of the Registrar is that the clerks who received the file were under the impression that this is a criminal appeal that should be prosecuted.
- [2] There are three judgements from this division which address the inefficiency in the office of the Registrar, criminal section. It was recommended that investigations be conducted, and appropriate steps be taken against all those responsible for this display of apathetic conduct. This inefficiency cannot be condoned as it affects the administration of justice and tramples on the rights of the litigants. It is as a result of this nonchalant conduct that this petition was only attended to by me and Judge Reid on 23 January 2025 which is regrettable.
- [3] The petitioner was convicted of five counts namely robbery with aggravating circumstances and two counts of possession of firearm and ammunition. He was sentenced to an effective term of fifteen years imprisonment. Leave to appeal against sentence was refused by the Regional Magistrate and he petitioned the Judge President for leave to appeal against sentence only.
- [4] The offences that the petitioner was convicted of are serious and the court a quo correctly found that there were no compelling and substantial circumstances to deviate from the minimum sentence of fifteen years imprisonment for the offence of robbery with aggravating circumstances. At the stage of sentencing the state proved previous convictions of robbery against the petitioner. Considering the previous conviction and the offence that the petitioner was convicted of, there are no prospects of success and the petition against sentence cannot succeed.

Order

[5] Consequently, the following order is made:

2. A copy of this judgment should be brought to the attention of the Provincial Director of Court Operations for appropriate action against the responsible personnel in the office of the Registrar, criminal section.

J.T. DJAJE

DEPUTY JUDGE PRESIDENT OF THE HIGH COURT

NORTH WEST DIVISION

I AGREE

FMM REID

JUDGE OF THE HIGH COURT

Delivered: 3 FEBRUARY 2025

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-mdepha-unknown-topic-anwhc-2025>

Prepared on 9 October 2026 · Esheria