

SOUTH AFRICA / JUDGMENT

S v Mosito (310/2004) [2004] ZAFSHC 32 (13 May 2004) [2004] ZAFSHC 32

COURT

Free State High Court, Bloemfontein

BEFORE

G.F. Wright, G. Van Coppenhagen

CASE / FILE NUMBER

310/2004

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IN THE HIGH
COURT OF SOUTH AFRICA
(ORANGE
FREE STATE PROVINCIAL DIVISION)

Review

No.: 310/2004

In

the review between:

THE
STATE
and
KOESHA
JEFFREY MOSITO

CORAM: VAN
COPPENHAGEN et WRIGHT, JJ

JUDGMENT

BY: WRIGHT, J

DELIVERED ON: 13 MAY 2004

In this matter the accused was convicted of the contravention of section 4(b) of Act 140 of 1992 and sentenced to a fine of R2 000,00 or 6 months imprisonment wholly suspended on certain conditions. He pleaded guilty but no questioning took place in terms of section 112(1)(b) of Act 51 of 1977. The Magistrate asked the reviewing Judge to set aside the conviction and sentence as he erred by failing to comply with the provisions of section 112(1)(b).

The conviction and sentence are therefore set aside. In terms of the provisions of section 312 of the Criminal Procedure Act, the matter is remitted to the Court a quo and the Court directed to comply with the provisions of section 112 of Act No. 51 of 1977 or to act in terms of section 113, as the case may be.

G.F. WRIGHT, J

I CONCUR

G. VAN COPPENHAGEN

/scd

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