
SOUTH AFRICA / JUDGMENT

S v Mothabeng (A299/2015) [2015] ZAGPPHC 296 (12 May 2015)

[2015] ZAGPPHC 296

COURT

North Gauteng High Court, Pretoria

BEFORE

R G Tolmay, C Pretorius

CASE / FILE NUMBER

A299/2015

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

DATE: 12 May 2015

CASE NUMEBR: A299/2015

HIGHCOURTREF.NO. : 121/2015

MAGISTRATE'S SERIAL NO : 1/2015

CASE NUMBER : 325/2014

IN THE MATTER BETWEEN:

THE STATE

AND

DIKHETO MOTHABENG

REVIEW JUDGMENT

TOLMAY. J:

[1] This matter came before me by way of review.

- [2] The accused was charged with possession of dagga. The accused, who chose to represent himself pleaded guilty as charged and after being questioned by the presiding magistrate a plea of not guilty was entered. After evidence was led the accused was found guilty as charged. He was sentenced to R4 000-00 or 4 months' imprisonment of which R2 000-00 or 2 months' imprisonment was suspended for 5 years on condition that he not be convicted of section 4 B of Act 140 of 1992 committed during the period of suspension.
- [3] The learned magistrate found him guilty of possession of 5.765 kg of dagga whilst the evidence indicated that the correct weight was 5.67 kg.
- [4] The reviewing judge Thobane AJ, drew the learned magistrate's attention to this error and the learned magistrate conceded that the conviction should be altered to read:
- "Guilty of contravention of section 4(b) of Act 140 of 1992 - possession of 5.67 kg of dagga".*
- [5] It is clear that the error was a mere typographical error and should be rectified.
- [6] Consequently I make the following order:

The conviction is set aside and amended to read:

"The accused is found guilty of contravention of section 4(b) of Act 140 of 1992 - possession of 5.67 kg of dagga".

- [7] The sentence is confirmed.

R G TOLMAY

JUDGE OF THE HIGH COURT

I agree

C PRETORIUS

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Prepared on 9 October 2026 · Esheria