
SOUTH AFRICA / JUDGMENT

S v Msiza (301/2017) [2017] ZAGPPHC 862 (12 October 2017) [2017] ZAGPPHC 862

COURT

North Gauteng High Court, Pretoria

BEFORE

H.J Fabricius, A.J Bam

CASE / FILE NUMBER

301/2017

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IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

Review Case number:

A102/17

High Court reference number:

301/2017

Magistrate's Serial Number:

04/17

NO REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

REVISED

12/10/17

In the matter between:

THE STATE vs LUCKY MSIZA

SPECIAL REVIEW JUDGMENT

Fabricius J,

1.

This case is dealt with as a special review.

2.

The accused pleaded guilty to a charge of theft and was convicted.

3.

The Magistrate acted in terms of s. 112 (1) (a) of the Criminal Procedure Act 51 of 1977, but did not impose a proper sentence in that a suspended sentence of imprisonment was imposed without the option of a fine. This sentence is incompetent and is set aside.

4.

This case is referred back to the Magistrate for the imposition of a proper sentence in terms of s. 112 (1) (a) of the Act.

JUDGE H.J FABRICIUS

JUDGE OF THE HIGH COURT GAUTENG DIVISION, PRETORIA

And

I Agree

JUDGE A. J. BAM

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