

SOUTH AFRICA / JUDGMENT

S v Saeed (R14/2021) [2021] ZAFSHC 83 (24 March 2021)

[2021] ZAFSHC 83**COURT**

Free State High Court, Bloemfontein

BEFORE

Opperman, Reinders

CASE / FILE NUMBER

R14/2021

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Source record**IN****THE HIGH COURT OF SOUTH AFRICA****FREE****STATE PROVINCIAL DIVISION****Review****No.: R14/2021****In****the matter between:**THE
STATE
versus
SHARIFF SAEED**Coram:**Reinders,
J et
Opperman,
J
Date
of hearing: 24
March 2021**Delivered:**The judgment was
handed down electronically by circulation to the Head of Office,
Harrismith Magistrate's Court, Harrismith
and released to
SAFLII on 24 March 2021. The date and time for hand-down is deemed to
be 24 March 2021 at 15h00.
Judgment**by:**Opperman,
J

Summary:

Review

– minor – application of the Child Justice Act 75 of 2008

JUDGMENT

- [1] This is a review in terms of section 304A of the Criminal Procedure Act 51 of 1977[1].
- [2] The accused was represented by Legal Aid: South Africa during the trial. The Legal Practitioner indicated to the Court that the matter may be finalized in terms of section 112(1)(a) of the CPA in that the Accused wanted to plea guilty.
- [3] The Accused was convicted of the contravention of section 49(1)(a) of the Immigration Act 13 of 2002 after a plea of guilty in terms of section 112(1)(a) of the CPA. During sentencing it came to light that the accused is a minor.
- [4] One Doctor Gonzales examined the accused and reported to the Court that his estimated age is between 16 and 17 years old. The proceedings were immediately suspended and sent on review. The accused was released in the custody of his guardian. The matter was postponed for the review to be finalized but on 7 January 2021 both child and guardian failed to appear before the Court and warrants of arrest were authorised.
- [5] It goes without saying that the proceedings were not in accordance with the law and that the plea and conviction stand to be set aside.
- [6] The application for the review was only received by the Registrar of the High Court, Free State Division on 23 March 2021. The reason for the delay was the transcription of the record.

[7] ORDER

The plea of guilty and the conviction in terms of section 112(1)(a) of the Criminal Procedure Act 51 of 1977 are set aside and the matter is referred back to the District Court to be dealt with in terms of the Child Justice Act 75 of 2008.

M OPPERMAN, J

I concur

C REINDERS, J

[1] “CPA”.

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAFSHC/2021/83.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-saeed-unknown-topic-afshc-2021>

Prepared on 9 October 2026 · Esheria