

SOUTH AFRICA / JUDGMENT

S v Sehume (A763/08) [2008] ZAGPHC 378 (11 September 2008) [2008] ZAGPHC 378

COURT

High Courts - Gauteng

BEFORE

Botha, Van Zyl

CASE / FILE NUMBER

A763/08

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IN

THE HIGH COURT OF SOUTH AFRICA

(TRANSVAAL

PROVINCIAL DIVISION)

DATE: 3

September

2008

MAGISTRATE

OBERHOLZER

Case No:

B2340/07/07

Magistrate's

serial no: 67/07 |

High

Court Ref No: 32

THE

STATE VS MOLEFE ABINAAR SEHUME

REVIEW

JUDGMENT

BOTHA J:

The accused was found guilty of forgery and uttering and sentenced to a fine of R4 000.00 or six months' imprisonment of which half was suspended for five years.

According to the form J15 the accused was declared unfit to possess a firearm. Annexure C, which is a pro forma used by the magistrate when holding an enquiry in terms of section 103(1) of Act 60 of 2000, creates the impression that the magistrate did not declare the accused unfit to possess a firearm.

W.A.J VAN ZYL

ACTING JUDGE OF THE HIGH COURT

The magistrate has explained, in response to a query by a review judge, that it was not his intention to declare the accused unfit to possess a firearm.

The state advocates agree that the sentence should be altered accordingly. I may add that it does not seem to me that the crime

committed by the accused falls within the purview of section 103(1) or schedule 2 of Act 60 of 2000.

The following order is made:

1. The conviction is confirmed.

2 The sentence is confirmed, except that the order declaring the accused unfit to possess a firearm is set aside.

C BOTHA

JUDGE OF THE HIGH COURT

I agree

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