

**S v Selowe (A62/06) [2006]
ZAGPHC 9 (30 January 2006)**
[2006] ZAGPHC 9

COURT

High Courts - Gauteng

BEFORE

E Bertelsmann, R D Claassen

CASE / FILE NUMBER

A62/06

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

A62/2006/ESIN THE HIGH COURT OF SOUTH AFRICA (TRANSVAAL PROVINCIAL DIVISION) DATE:
30/1/06 reportable Magistrate AMERSFOORT Case no: 279/2005 High court ref no: 5260 THE STATE v
SOLLY SELOWE 010009000003bb00000006001c0000000000400000003010800050000000b0200000000
0500000000c021a000807040000002e0118001c000000fb021000070000000000bc020000000001020222537
97374656d000008070000c09c0000d43a120026e28239304b17000c020000040000002d010000040000000
20101001c000000fb02ceff0000000000009001000000000440001254696d6573204e657720526f6d616e000
00000000000000000000000000000000040000002d010100050000000902000000020d000000320a2c00000
00100040000000000008071900202d1600030000001e0007000000fc020000aca899000000040000002d0102
0008000000fa02050000000000ffff00040000002d0103000e00000024030500ffffffff180008071800080
7ffffffff08000000fa0200000000000000000000040000002d01040007000000fc020000ffff0000000400
00002d010500040000002701ffff040000002d01000003000000000000REVIEW

JUDGMENTBERTELSMANN, JThe accused allegedly ignored two stop streets in the town of Amersfoort.A sharp police officer spotted this misdeed and served a notice to appear in court upon the accused in terms of the provisions of section 56 of Act 51 of 1977.The accused duly appeared in court on 1 August 2005. He pleaded guilty on both charges and was convicted.After the accused failed to appear on the postponed date to be sentenced, it was discovered that he had, after having been convicted, paid an amount of R1 500,00 as an admission of guilt.This admission of guilt was accepted.Unfortunately, the prosecution was thereafter terminated and it was only after a quality inspection toward the end of the year that it was discovered that this procedure is not authorized by theCriminal Procedure Act 51 of 1977.Section 57, read withsection 57Aof theCriminal Procedure Act clearlydetermines that an admission of guilt can only be accepted prior to a plea in court.Even if the accused tendered the plea of guilty, as in this case, the admission of guilt has to be accepted prior to the accused's appearance in court to be valid in terms of the authorised arising provision of the statute.Under the circumstances, the state has suggested that the admission of guilt and its acceptance should be set aside and the sum of R1 500,00 be repaid to the accused. This is the only way to correct this unfortunate error.The accused must be informed and notified that he has to appear in court again to be duly sentenced

in finalisation of the prosecution that was put in train when he first appeared before the trial magistrate. It is recommended that he be granted an appropriate discount on the fine that will have to be imposed upon him during the continuation of the proceedings, in view of the totally unnecessary inconvenience to which the accused is being put, and in respect of which he is truly innocent. E BERTELSMANN JUDGE OF THE HIGH COURT I agree R D CLAASSEN JUDGE OF THE HIGH COURT 279-2005 IN THE ORDINARY COURSE OF EVENTS

A

62/2006

/ES

IN THE HIGH COURT OF SOUTH AFRICA (TRANSVAAL PROVINCIAL DIVISION)

IN THE HIGH COURT OF

SOUTH AFRICA

(

TRANSVAAL

PROVINCIAL DIVISION)

THE STATE v SOLLY SELOWE

REVIEW JUDGMENT

BERTELSMANN, J

The accused allegedly ignored two stop streets in the town of Amersfoort. A sharp police officer spotted this misdeed and served a notice to appear in court upon the accused in terms of the provisions of section 56 of Act 51 of 1977. The accused duly appeared in court on 1 August 2005. He pleaded guilty on both charges and was convicted. After the accused failed to appear on the postponed date to be sentenced, it was discovered that he had, after having been convicted, paid an amount of R1 500,00 as an admission of guilt. This admission of guilt was accepted. Unfortunately, the prosecution was thereafter terminated and it was only after a quality inspection toward the end of the year that it was discovered that this procedure is not authorized by the Criminal Procedure Act 51 of 1977. Section 57, read with section 57A of the Criminal Procedure Act clearly determines that an admission of guilt can only be accepted prior to a plea in court. Even if the accused tendered the plea of guilty, as in this case, the admission of guilt has to be accepted prior to the accused's appearance in court to be valid in terms of the authorised arising provision of the statute. Under the circumstances, the state has suggested that the admission of guilt and its acceptance should be set aside and the sum of R1 500,00 be repaid to the accused. This is the only way to correct this unfortunate error. The accused must be informed and notified that he has to appear in court again to be duly sentenced in finalisation of the prosecution that was put in train when he first appeared before the trial magistrate. It is

recommended that he be granted an appropriate discount on the fine that will have to be imposed upon him during the continuation of the proceedings, in view of the totally unnecessary inconvenience to which the accused is being put, and in respect of which he is truly innocent.

Criminal Procedure Act 51 of 1977

Section 57

section 57A

Criminal Procedure Act clearly

E BERTELSMANNJUDGE OF THE HIGH COURT
I agreeR D CLAASSENJUDGE OF THE HIGH COURT
279-2005IN THE ORDINARY COURSE OF EVENTS

JUDGE OF THE HIGH COURT

279-2005

IN THE ORDINARY COURSE OF EVENTS

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPHC/2006/9.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-selowe-unknown-topic-agphc-2006>

Prepared on 10 October 2026 · Esheria