

SOUTH AFRICA / JUDGMENT

S v Setenane and Another (CAP 02/2025) [2025] ZANWHC 35 (3 February 2025)

[2025] ZANWHC 35**COURT**

North West High Court, Mafikeng

BEFORE

JT Djaje, FMM Reid

CASE / FILE NUMBER

CAP 02/2025

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Source record**IN****THE HIGH COURT OF SOUTH AFRICA****NORTH WEST DIVISION,****MAHIKENG****HIGH COURT REF NO: CAP****02/2025****CASE NO: RC1/28/2022****MAGISTRATES PETITION****NO. 09/2023****Reportable: YES / NO****Circulate to Judges: YES****/ NO****Circulate to Magistrates:****YES / NO****Circulate to Regional****Magistrates: ES / NO****In****the matter between:****THE****STATE****And****ENOCH****SETENANE****PITSO****DLAMINI**

Delivered: This judgment is handed down electronically by circulation to the parties through their legal representatives' email addresses.
The date for the hand-down is deemed to be 03 FEBRUARY 2025.
ORDER
The following order is

made: 1.
The
petition against sentence is dismissed.
2.
A copy of
this judgment should be brought to the attention of the Provincial
Director of Court Operations for appropriate action
PETITION

JUDGMENT

DJAJE DJP

- [1] This is a petition that was sent to the High Court from Magistrate Court Potchefstroom on 13 March 2024. It was received by the office of the Registrar in the Criminal section on 17 April 2024. The file was allocated a criminal appeal case number CA 21/2024. It was only brought to the office of the Judge President and allocated on 23 January 2025. The explanation from the office of the Registrar is that the clerks who received the file were under the impression that this is a criminal appeal that should be prosecuted.
- [2] There are three judgements from this division which address the inefficiency in the office of the Registrar, criminal section. It was recommended that investigations be conducted, and appropriate steps be taken against all those responsible for this display of apathetic conduct. This inefficiency cannot be condoned as it affects the administration of justice and tramples on the rights of the litigants. It is as a result of this nonchalant conduct that this petition was only attended to by me and Judge Reid on 23 January 2025 which is regrettable.
- [3] The petitioners herein pleaded guilty to a charge of possession of suspected stolen property, a motor vehicle. They were convicted and sentenced to five years imprisonment each. Leave to appeal against sentence was refused by the Regional Magistrate and they now petitioned the Judge President for leave to appeal against sentence only.
- [4] At the stage of sentencing the state proved previous convictions against both petitioners of robbery, malicious injury to property, theft and possession of suspected stolen property. Considering the previous conviction and the offence that the petitioners were convicted of, there are no prospects of success and the petition against sentence cannot succeed.

Order

- [5] Consequently, the following order is made:

2. A copy of this judgment should be brought to the attention of the Provincial Director of Court Operations for appropriate action against the responsible personnel in the office of the Registrar, criminal section.

J. T. DJAJE

DEPUTY JUDGE PRESIDENT OF THE HIGH COURT

NORTH WEST DIVISION

I AGREE

FMM REID

JUDGE OF THE HIGH COURT

NORTH WEST DIVISION

Delivered: 03 FEBRUARY 2025

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZANWHC/2025/35.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/s-v-setenane-and-others-unknown-topic-anwhc-2025>

Prepared on 11 October 2026 · Esheria