

SOUTH AFRICA / JUDGMENT

S v Stimele (20160108, 264/2016) [2016] ZAECHGHC 94 (27 September 2016)

[2016] ZAECHGHC 94

COURT

Eastern Cape High Court, Grahamstown

BEFORE

J.D. Pickering, J.M. Roberson

CASE / FILE NUMBER

20160108, 264/2016

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IN

THE HIGH COURT OF SOUTH AFRICA

(EASTERN

CAPE, GRAHAMSTOWN)

Review case no: 20160108

CA&R no: 264/2016

Date

delivered: 27/09/2016

In

the matter between

THE

STATE

vs

SIZWE

STIMELE

REVIEW

JUDGMENT

PICKERING J:

- [1] In this matter, which comes before me on special review, it appears that in recording the suspended sentence which he imposed upon the accused after correctly convicting him of a contravention of section 4(a) of Act 140 of 1992 the magistrate inadvertently reflected that such sentence was one of 18 years imprisonment instead of 18 months. Fortunately this sentence did not engender undue consternation in the bosom of the accused as the error occurred in the transcription thereof after the accused had been sentenced in open court to the aforementioned suspended sentence of 18 months imprisonment.
- [2] The magistrate now requests that the sentence as recorded on annexure “B” to the charge sheet be amended to reflect the correct sentence.
- [3] Accordingly the following order will issue:

“The sentence recorded on annexure B to the charge sheet is set aside and substituted by the following sentence:

18 months imprisonment the whole of which is suspended for 3 years on condition that the accused is not convicted of contravening section 4 or 5 of Act 140 of 1992 committed during the period of suspension.”

J.D. PICKERING

JUDGE OF THE HIGH COURT

I agree,

J.M. ROBERSON

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