

CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 33/00

SUNNYBOY EDWARD SAANE

Appellant

versus

SUSAN R. HULME NO
(Acting-Magistrate)
Johannesburg Magistrates Court

First Respondent

MINISTER OF JUSTICE

Second Respondent

Decided on : 7 September 2000

JUDGMENT

SACHS J:

[1] The applicant in this matter is a law student at the University of South Africa who has applied for leave to appeal directly to this Court against his conviction and sentence in the Johannesburg Magistrates' Court on a charge of corruption. In support of his application he makes a number of allegations, both of a procedural and substantive nature, concerning the fairness of the proceedings against him and the correctness of the decision.

[2] It appears that the trial court sentenced him to two years imprisonment on 27 September 1999, and on 30 September 1999 granted him leave to appeal to the High Court against his

conviction and sentence. By 6 July 2000, when he made his application to this Court, the appeal had not as yet been set down for hearing in the High Court. One of his complaints was that he had been denied the right to a speedy trial.

[3] At the request of the President of this Court, the Director of the Constitutional Court made enquiries to the Clerk of the Magistrates Court about the lack of progress in establishing a date for the hearing of the appeal. It appears that the delay occurred in relation to the preparation of a corrected copy of the trial record, which ran to 1296 pages. We are informed that the record has now been lodged with the High Court and that a date for the appeal will be set.

[4] In the circumstances, the applicant, who is on bail, will be able to canvass at the hearing of his appeal in the High Court all the issues raised in his application to this Court. That Court, before which the appeal is pending, is the appropriate court to hear the appeal, which raises factual as well as legal issues. His application for leave to appeal directly to this Court is accordingly refused.

Chaskalson P, Langa DP, Ackermann J, Kriegler J, Goldstone J, Mokgoro J, Ngcobo J, O'Regan J, Yacoob J and Madlanga AJ concur in the judgment of Sachs J.