

IN THE HIGH COURT OF SOUTH AFRICA, BISHO

CASE NO A 365/99

In the matter between:

MZWABANTU BENGANI NIKA

PETITIONER

and

THE STATE

RESPONDENT

JUDGMENT : PETITION FOR LEAVE TO APPEAL

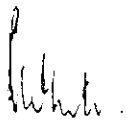
WHITE J: The Petitioner was convicted in the Magistrate's Court, Whittlesea, of fraud and sentenced on 21 June 1999 to 720 days imprisonment. His application for leave to appeal against the conviction and sentence was refused by the Magistrate during August 1999.

During September 1999 the Petitioner lodged a petition with this Court for leave to appeal against his sentence and conviction. If the petition was lodged out of time, condonation is hereby granted for the late filing thereof.

We have considered the evidence and the Magistrate's reasons for conviction and sentence, and we are satisfied that there is no possibility of the Petitioner succeeding on appeal.

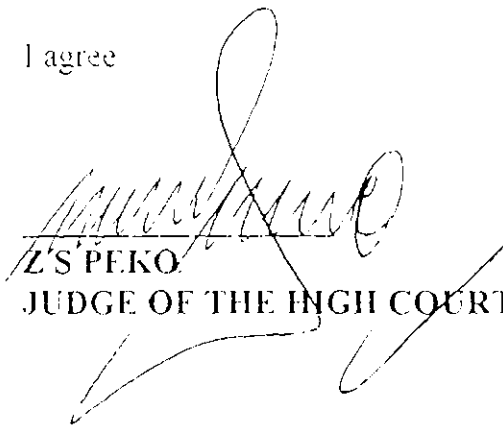
The petition for leave to appeal against the Petitioner's abovementioned conviction and sentence is therefore refused.

DATED at BISHO this 4th day of FEBRUARY 2000.



JUDGE C.S. WHITE
JUDGE OF THE HIGH COURT, BISHO

I agree



Z.S. PEKO
JUDGE OF THE HIGH COURT, BISHO