

IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Review No. : 185/2014

In the review between:-

THE STATE

versus

MOTLATSI SIMON MAJORO

CORAM: RAMPAL, AJP *et* JORDAAN, J

JUDGMENT BY: JORDAAN, J

DELIVERED ON: 9 OCTOBER 2014

- [1] This matter was sent for special review in terms of section 304(4) of the Criminal Procedure Act, 51 of 1977 by the senior magistrate of Welkom.
- [2] It appears that the accused was charged with contravention of section 4(b) of Act 140 of 1992 / possession of undesirable dependence producing substance (dagga). The accused was legally represented and pleaded guilty whereupon a statement in terms of section 112(2) of the Criminal Procedure Act, in support of his plea, was handed up and on the strength of which he was convicted as charged. He was sentenced to 3 (three) months imprisonment or a fine of R1 500,00 wholly suspended for a period of three years on condition that the

accused is not convicted of the contravention of the Drugs and Drug Trafficking Act, 140 of 1992, committed during the period of suspension.

- [3] The senior magistrate correctly points out that the conditions of suspension is vague, wide and non-specific to an extent that it is prejudicial to the accused and not legally tenable. He suggests that the conviction be confirmed, but the sentence be amended to correct the aforesaid problem.
- [4] In the result, the conviction is confirmed, but the sentence set aside and replaced with the following:
“Fined R1 500,00 or 3 (three) months imprisonment, wholly suspended for a period of three years on condition that the accused is not convicted of contravention of section 4 of Act 150 of 1992, committed during the period of suspension.”

A.F. JORDAAN, J

I concur.

M.H. RAMPAL, AJP