

IN THE HIGH COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

Johannesburg

DATE: 16 / 08 / 2000

CASE NO: 1210/2000

In the matter between:

THE STATE

And

MASWAZI DLAMINI

REVIEW JUDGMENT

WILLIS J:

This case has come to me by way of special review in terms of section 304A Of the criminal procedure Act No. 51 of 1977, as amended.

The accused was found guilty in the Boksburg Magistrate's Court of contravening Section 11 (1) read with Section 14A of Act 29 of 1963 in that he failed to pay maintenance in terms of a maintenance order.

Mr E.S Magampa, the additional magistrate has drawn it to my attention that after he found the accused guilty of failing to pay R9100 but before sentence was passed, the arrears were found to have, in fact, been to the extent of R5750,00 only and not R9100 as charged.

Sentence has not yet been passed but the amount may well be relevant when it comes to sentence.

The record shows that the learned magistrate correctly found the accused guilty of failing to pay maintenance.

The conviction of the accused is amended to read as follows:

“ The accused is found guilty of contravening Section 11(1) of Act 23 of 1963 but only to the extent of R5750,00 and not R9100, as charged.”

DATED AT JOHANNESBURG THIS DAY OF AUGUST, 2000

N.P.WILLIS

JUDGE OF THE HIGH COURT

I agree.

G.M. MAKHANYA

JUDGE OF THE HIGH COURT