

IN THE HIGH COURT OF SOUTH AFRICA

(BOPHUTHATSWANAPROVINCIAL DIVISION)

In the matter between:

THE STATE

and

JOHN POKA SEBOLA

REVIEW

MOGOENG J: The accused in this matter was convicted of robbery and sentenced to undergo an effective term of 12 months imprisonment.

Nkabinde J questioned the suitability of the sentence in view of the fact that:

- (a) the accused is 18 years old;
- (b) he is a first offender;
- (c) he did not deny having taken the cellular phone and fled which is indicative of some measure of contrition;
- (d) the cellular phone was recovered immediately after the robbery; and
- (e) the complainant did not, therefore, suffer any prejudice.

In response, the Magistrate conceded that the sentence was indeed excessive and suggested that part of it be suspended. I think that the concession is well made.

Accordingly, the conviction is confirmed but the abovementioned sentence is set aside and substituted with the one that follows:

“Twelve months imprisonment of which half is suspended for 5 years on condition that the accused is not convicted of an offence involving violence and/or dishonesty, committed during the period of suspension.”

M.T.R. MOGOENG

JUDGE OF THE HIGH COURT

DATED: 20JANUARY 2000