

**IN THE HIGH COURT OF SOUTH AFRICA
(BOPHUTHATSWANA PROVINCIAL DIVISION)**

In the matter between:

THE STATE

and

BETRIES SANGO

REVIEW JUDGMENT

HENDRICKS J:

A. Introduction:

- [1] This matter came before me as a special review in terms of Section 304 (4) of the Criminal Procedure Act, Act 51 of 1977, ("CPA") as amended.
- [2] On 09 July 2004 the Regional Magistrate, Bafokeng, after convicting the accused of murder, sentenced her in terms of Section 276 (1)(h) of the CPA, to five (5) years correctional

supervision.

- [3] On 04 September 2006, after being made aware of the fact that the maximum period of imprisonment catered for under Section 276 (1)(h) is three (3) years, the Learned Regional Magistrate send this matter on special review on 11 September 2006.

B. Merits:

- [4] It is clear from the wording of Section 276 (A)(1)(b) that the sentence in terms of Section 276 (1)(h) cannot exceed the maximum period of three (3) years.

- [5] In his application to have this matter reviewed, the Regional Magistrate stated that it should be ordered that the matter be remitted for the impositioning of a competent sentence.

- [6] Although this submission may be sound, I am of the view that a further delay of this matter should be avoided.

- [7] Two (2) years had already lapsed since the impositioning of the sentence, which in my view is substantial having regard to the fact that only a maximum of three (3) years can be imposed in terms of Section 276 (1)(h) read with Section 276 (A)(1)(b).

- [8] I am of the view that the sentence should be altered by

deleting the words "Five (5) years" and substitute it with the words "Three (3) years".

C. Conclusion:

[9] Therefore, the following order is made:-

[i] The sentence of five (5) years correctional supervision is set aside and substituted with the following:-

"In terms of Section 276 (1)(h) of the Criminal Procedure Act (Act 51 of 1977) the accused is sentenced to three (3) years correctional supervision."

[ii] The conditions imposed when accused was initially sentenced, still applies.

R D HENDRICKS

JUDGE OF THE HIGH COURT

I agree.

V V TLHAPI

ACTING JUDGE OF THE HIGH COURT

14 SEPTEMBER 2006