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

THE STATE

versus

JOHN PITSO TLADI   Accused

REVIEW JUDGMENT

WILLIS J:

This matter originally came before Molemela AJ on 13th March, 2008 and then Kgomo AJ on 4th April, 2008 by way of automatic review.

The accused, who was 36 years of age, was charged with assault with intent to commit grievous bodily harm. It was alleged that he unlawful and intentionally assaulted Edgar Sithole in Bryanston on New Year's Day in 2007. He conducted his own defence and, having pleaded guilty, was indeed found guilty on 13th November, 2007. He was sentenced on 18th January, 2008.

The sentence reads a follows:

> " Six months imprisonment which in terms of Section 280(2) Act 51/1977 which term of imprisonment must be served concurrently with any period of imprisonment accused is presently serving."

Questions have been raised as to the formulation of the sentence. The office of the Deputy Director of Public Prosecutions has, in response to thereto, noted that the sentence is in order but has been worded clumsily and has recommended that the sentence be amended to read as follows:

> "Six months' imprisonment. In terms of Section 280(2) Act 51/1977, it is ordered that this term of imprisonment must be

served concurrently with any period of imprisonment the accused person is presently serving."

I am pleased to oblige.

The following order is made:

(1) The conviction is confirmed;

(2) The sentence of the learned magistrate is ameded to read as follows:

"Six months' imprisonment. In terms of Section 280(2) of Act 51/1977, it is ordered that this term of imprisonment must be served concurrently with any period of imprisonment the accused person is presently serving."

DATED AT JOHANNESBURG THIS 8th DAY OF APRIL, 2008.

N.P. WILLIS
JUDGE OF THE HIGH COURT

I agree.

M. JAJBHAY
JUDGE OF THE HIGH COURT