

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Review Case Number:


A92/17

High Court Reference Number:

302/2017

Magistrate's Serial Number:

02/17

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES/NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
(2) OF INTEREST TO OTHER JUDGES: YES/NO	<input checked="" type="radio"/> YES <input type="radio"/> NO
(3) REVISED.	<input checked="" type="checkbox"/>
12/10/17	
DATE	SIGNATURE

In the matter between:

THE STATE

VS

ANTONY AMSTERDAM

SPECIAL REVIEW JUDGMENT

Fabricius J,

1.

This case is dealt with as a special review.

2.

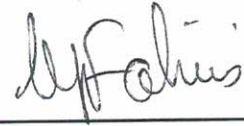
The accused pleaded guilty to a charge of theft and was convicted.

3.

The Magistrate acted in terms of s. 112 (1) (a) of the Criminal Procedure Act 51 of 1977, but did not impose a proper sentence in that a suspended sentence of imprisonment was imposed without the option of a fine. This sentence is incompetent and is set aside.

4.

This case is referred back to the Magistrate for the imposition of a proper sentence in terms of s. 112 (1) (a) of the Act.

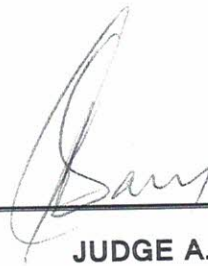


JUDGE H.J FABRICIUS

JUDGE OF THE HIGH COURT GAUTENG DIVISION, PRETORIA

And

I Agree



JUDGE A. J. BAM

JUDGE OF THE HIGH COURT GAUTENG DIVISION, PRETORIA