

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 130/2019

D2020/2016

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO

In the matter between:

The State

Plaintiff

and

Arthur Thobela

Defendant

SUMMARY

CARELSE J

Criminal law – Review – Globular Sentences- Inquiry to fitness to possess a firearm

The accused was convicted in a magistrate court for two common law offences and one statutory offence. The offences were taken together for purpose of sentence. He was sentence to three years direct imprisonment without the option of a fine. The matter came to

the High Court for review.

The high court held that; globular sentences were not prohibited but they were undesirable and therefore should be reserved for special circumstances. If a sentence is competent in common law but incompetent in statutory law that sentence is a nullity and stands to be set aside. If a magistrate wants to ameliorate the effect of a sentence where the offences were committed closely to each other he should impose separate sentences but order them to run concurrently.

Furthermore, the court held that each time an accused is convicted of offences listed in schedule 2 of the Act there should be an inquiry whether he is fit or not to possess a firearm.

Consequently the matter was remitted to the magistrate for reconsideration.