

A208/14

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

27
18 March 2014

LANDDROSKANTOOR
MAGISTRATE'S OFFICE
EVANDER
2280

THE STATE VERSUS J. BOTHA

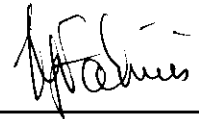
Special review : 11/2014
Case number : AOG 600/14
High Court reference number : 231/14

JUDGMENT

Fabricsius J,

1. The review relates to a speeding offence in terms of the **Road Traffic Act 93 of 1996**
2. The charge was formally withdrawn by the Public Prosecutor on 10 December 2013.

3. However, on 14 January 2014 an admission of guilt of R250 was paid.
4. The Magistrate received the documents on 25 February 2014 in accordance with the provisions of **s. 57 (7) of the Criminal Procedure Act 51 of 1977**, and should have ordered that the fine be re-paid as the conviction was not in accordance with justice.
5. This was the view of the Senior Magistrate who placed the review before me. I agree.
6. The proceedings are set aside and the amount of R250 is to be re-paid.



H. J. FABRICIUS
JUDGE OF THE HIGH COURT

I agree



D. S. FOURIE
JUDGE OF THE HIGH COURT