



**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

*A366/16  
02/06/2016*

**DELETE WHICHEVER IS NOT APPLICABLE**

- (1) REPORTABLE: ~~YES~~/NO  
(2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO  
(3) REVISED

DATE: *31/05/2016*

SIGNATURE: *[Signature]*

**HIGH COURT REF. NO. 176/2016**

**CASE SERIAL NO. H20/16**

**REVIEW CASE NO. A353/16**

In the matter between

**THE STATE**

and

**DAVID MARTELL NAUDE**

**REVIEW JUDGMENT**


**VAN NIEKERK AJ**

1. This is a special review in terms of section 304(4) read with section (2)(c) of the Criminal Prosedure Act, Act 51 of 1977.
2. The accused was convicted in terms of section 112(a) of Act 51 of 1977 on a contravention of section 63 of the National Road Traffic Act 93 of 1996 for reckless driving which carries a high penalty clause to be taken in terms of section 112(1)(a) of Act 51 of 1977.
3. The accused was also convicted of an alternative count which amounts to duplication of sentence and the conditions of the suspended sentence are not in accordance with law.
4. In terms of section 304(2)(c)(iii) of Act 51 of 1977 the convictions and sentence handed down on 22 April 2016 is set aside.



**P.A. VAN NIEKERK**  
**ACTING JUDGE OF THE HIGH COURT**

I agree



**L.I. VORSTER**  
**ACTING JUDGE OF THE HIGH COURT**