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04/04/2018



**CASE NUMBER: A940 / 12**

**NGHC CASE No CC317/2004**

- (4) REPORTABLE: YES / NO  
(5) OF INTEREST TO OTHER JUDGES: YES/NO  
(6) REVISED.

04 / APRIL / 2018

DATE

SIGNATURE

In the matter between:

ZABENZENI MALI MAHLANGU

FIRST APPELLANT

GIBI DRIVER MAHLANGU

SECOND APPELLANT

THOMAS JABULANI MAHLANGU

THIRD APPELLANT

VS

THE STATE

RESPONDENT

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**AMENDED ORDER**

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MAVUNDLA J,

1] This court on the 29 / 03 / 2018 issued the following order in this matter:

"[20] In the premises, the appeal against both conviction and sentence in respect of all counts are set aside."

- [2] It would seem that the order as it stands is vague and or ambiguous and the parties have requested that the order be more specific.
- [3] In as much as it may seem that the court is *functus officio*, the court may amend and or clarify its judgment to cure any ambiguity or vagueness.
- [4] In the circumstances the order of the 29 / 03 / 2018 is hereby amended *in toto* to read as follows:

[20] In the premises, the following order is issued:

1. The appeal of the three appellants against:
  - 1.1 convictions on count 1 of murder;
  - 1.2 count 2 of robbery;
  - 1.3 sentence of life imprisonment;
  - 1.4 sentence of 15 (fifteen years') imprisonmentAre upheld;
2. The convictions and the sentences imposed are all set aside.



N.M. MAVUNDLA

JUDGE OF THE HIGH COURT

I agree and it is so ordered.



L. M. MOLOPA-SETHOSA

JUDGE OF THE HIGH COURT

I agree and it is so ordered

  
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N. RANCHOD

JUDGE OF THE HIGH COURT

DATE OF HEARING : 13 / 10 / 2018

DATE OF JUDGMENT : 29 / 03 / 2018

DATE OF AMENDED ORDER: 04 / 04 / 2018

APPELLANT'S ADV : ATT O. P. MAKUBE

INSTRUCTED BY : ATT MAKUBE

RESPONDENT'S ADV : ADV S. SCHEEPERS

INSTRUCTED BY : DIRECTOR OF PUBLIC PROSECUTION