

**IN THE HIGH COURT OF SOUTH AFRICA****(WESTERN CAPE HIGH COURT, CAPE TOWN)****CASE NUMBER:**

A487/2010

**DATE:**

3 JUNE 2011

5 In the matter between:

**ABRAHAM JOHANNES NDUWYUMU**

Appellant

and

**THE STATE**Respondent

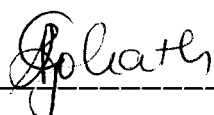
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**J U D G M E N T****GOLIATH, J:**

Having heard the arguments on behalf of both parties, the  
15 appellant and the respondent in this matter, and having  
considered the arguments, this court is unable to reach a  
unanimous finding in this appeal. The matter is accordingly  
referred to a Full Bench of this division. The matter is referred  
to the office of the Judge President for the allocation of a  
20 suitable date for a Full Bench to entertain this matter.

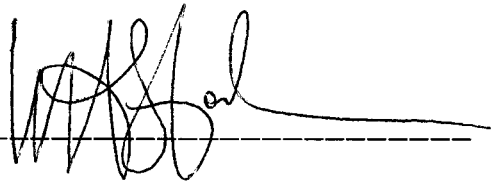
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GOLIATH, J

VAN STADEN, AJ: I agree.

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VAN STADEN, AJ