



IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN

Reportable:	YES/NO
Of Interest to other Judges:	YES/NO
Circulate to Magistrates:	YES/NO

Case number: 25/2019

In the matter between:

FUSI HAMILTON MOKOENA

Applicant

and

THE STATE

Respondent

JUDGMENT BY: MHLAMBI J,

DELIVERED ON: 01 FEBRUARY 2024

APPLICATION FOR LEAVE TO APPEAL

- [1] In this application, the applicant sought an order that condonation be granted for the late service and filing of this application and founding affidavit as well as that leave to appeal against the applicant's conviction and sentence be granted to the full bench of this court.
- [2] In his heads of argument and subsequent correspondence, the applicant indicated that he wished to proceed with the application for leave to appeal

against sentence only. He therefore abandoned the leave to appeal against the conviction.

[3] I have read both the applications for condonation and leave to appeal and I am satisfied that both should be granted.

[4] Consequently, I make the following order.

Order:

1. Condonation is granted for the late service and filing of the late filing of this application;
2. Leave to appeal against sentence to the Full Court of this Division is granted.

MHLAMBI, J

Counsel for the applicant:
Instructed by:

Mr. P Peyper
Payper & Botha Attorney Inc.
39C First Avenue
Westdene
Bloemfontein

Counsel for the respondent:
Instructed by:

Adv. Pienaar
Director of Public Prosecutions
Waterfall Building
Bloemfontein