

REPUBLIC OF NAMIBIA



IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION, WINDHOEK

REVIEW JUDGMENT

PRACTICE DIRECTIVE 61

<b>Case Title:</b> THE STATE v IMMANUEL GOSEB	<b>Case No:</b> CR 25/2023
High Court Review Case No.: 286/2023	<b>Division of Court:</b> High Court, Main Division
<b>Coram:</b> Miller AJ et Claasen J	<b>Delivered on:</b> 27 March 2023
<b>Neutral citation:</b> <i>The S v Goseb</i> (CR 25/2023) [2023] NAHCMD 147 (27 March 2023)	
<b>ORDER:</b>  The conviction by the magistrate is accordingly set aside.	
<b>REASONS FOR ORDERS:</b>	
MILLER AJ(Claasen J concurring):	

[1] This matter comes before me in order to set aside the conviction of the accused on what was count 3 in the charge sheet pertaining to this matter.

[2] Count 3 of the charge sheet charged the accused with a contravention of Regulation 50(1) of the Road Traffic and Transport Regulations 2001 in as much it was alleged that he drove a vehicle on a public road without the licence disc pertaining to the registration of the vehicle being displayed.

[3] The accused pleaded guilty to that charge and was convicted on that charge.

[4] Prior to the accused being sentenced, the prosecutor drew the magistrate's attention to the fact that the accused had already at an earlier stage paid an admission of guilt fine in respect of that charge.

[5] It is trite that the payment of an admission of guilt fine constitutes a conviction on the charge. It follows that the conviction during the course of the subsequent trial constitutes a duplication of convictions.

[6] The conviction by the magistrate is accordingly set aside.

<b>K MILLER</b> <b>ACTING JUDGE</b>	<b>C CLAASEN</b> <b>JUDGE</b>