



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

ORDER

Case No: 662/13

BAREND RUDOLPH HONIBALL

Appellant

and

THE STATE

Respondent

Neutral citation: *Honiball v S* (662/13) [2014] ZASCA 12 (20 March 2014)

Coram: Shongwe, Leach Wallis JJA

ORDER

The appeal is struck from the roll.

Reasons for order

[1] The appeal was struck from the roll because the issue it sought to raise had already been disposed of against the appellant by the decision of this court in *Chake v S* [2013] ZASCA 141 (case no 824/12) handed down on 30 September 2013.

[2] The parties, nonetheless urged this court to express a view on the effect of the Judicial Matters Amendment Act 4 of 2013 (“the Act”) in terms of s 10 and 11 read with s 42 thereof. The appellant has now acquired with retrospective effect an automatic right of appeal against his conviction for rape and sentence of imprisonment for life imposed upon him by the regional court on 4 March 2011.

[3] This court declined the invitation because it required it to pronounce on issues the nature of which cannot be foreseen with certainty and which are better canvassed in cases raising live controversies before the court. Those cases may arise as a result of prisoners convicted and sentenced to life imprisonment since 1 March 2010, seeking to exercise the automatic right of appeal that has now been vested in them with effect from that date. When they do arise they can be dealt with on their own facts.

J B Z SHONGWE
JUDGE OF APPEAL