

CAVIN MAIBVISE

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE
CHEDA AJ
BULAWAYO 7 MAY 2012 & 7 MARCH 2013

Judgment

CHEDA AJ: The applicant was charged in the Magistrates' Court for fraud and sentenced to 5 years imprisonment.

The applicant has not filed a copy of the indictment, and as such, the exact nature of the allegation is not disclosed.

The applicant made a late application for review. When it was pointed out that the application for review was out of time he applied for condonation and put blame for the delay on his legal practitioner for not acting timeously.

The Judge to whom the application for condonation was made advised the applicant to file an affidavit from the legal practitioner explaining the delay. Applicant did not do that.

Applicant persisted with the application for review and filed a hand written copy of the record of proceedings. I ordered that the record be typed. The record was then typed at the offices of his lawyers. In view of the allegations that the applicant made against the trial magistrate at the trial proceedings I ordered that the trial magistrate be provided with a copy of the record to certify that it reflected the proceedings that the magistrate recorded at the trial. This was not done.

Despite all these instructions which his legal practitioner continues to ignore he has written asking that the matter be set down for argument. Instead, the legal practitioner has filed in the record an outline of a different person's case and not that of the applicant. He alleges that the applicant did not receive a fair trial but continues to ignore all the instructions to prepare the matter for hearing.

The application for the matter to be set down is decline.