

CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 14/05

MARIUS VAN VUUREN

Applicant

versus

THE STATE

Decided on : 6 April 2005

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JUDGMENT

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THE COURT:

[1] The applicant seeks relief in respect of three sentences imposed upon him by the Magistrates' Court in Nigel. These sentences arose from proceedings in the maintenance court concerning the applicant's failure to pay maintenance in respect of his two minor children.

[2] The application in this Court does not comply with the rules. No specific relief is identified, nor, apparently, has there been service of the application upon interested parties. We are prepared to overlook these defects for the purposes of this judgment.

[3] It appears from the papers before us that the complaints of the applicant relate to the factual findings made by the Magistrate which resulted in his conviction. The applicant sought leave to appeal to the High Court, which was dismissed. He thereafter sought leave to appeal to the Supreme Court of Appeal. That court, too, rejected his application. He now approaches this Court.

[4] This Court has jurisdiction only in respect of constitutional matters, or issues connected with a decision on a constitutional matter.<sup>1</sup> The applicant does not raise any constitutional complaint in his application to this Court. He seeks only to draw this Court's attention to certain factual matters to which he asserts the Magistrate did not pay due regard. It is clear from this Court's decision in *S v Boesak*<sup>2</sup> that a complaint that a criminal court has erred on the facts does not, on its own, constitute a constitutional matter. In the circumstances, therefore, the Court has no jurisdiction to entertain this application and it must accordingly be dismissed.

[5] It is ordered that the application is dismissed.

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<sup>1</sup> Section 167(3) of the Constitution provides that:

“The Constitutional Court—

- (a) is the highest court in all constitutional matters;
- (b) may decide only constitutional matters, and issues connected with decisions on constitutional matters; and
- (c) makes the final decision whether a matter is a constitutional matter or whether an issue is connected with a decision on a constitutional matter.”

<sup>2</sup> 2001 (1) SA 912 (CC); 2001 (1) BCLR 36 (CC) at para 15.

Chaskalson CJ, Langa DCJ, Madala J, Mokgoro J, Moseneke J, Ngcobo J, O'Regan J,  
Sachs J, Skweyiya J and Yacoob J.