



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 8 August 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Mohlaloga v The State (1028/2023 and 1112/2023) [ZASCA] 115 (8 August 2025)

Today, the Supreme Court of Appeal (SCA) struck from the roll an application for reconsideration on conviction, which was referred to it in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013, by direction of the President of the SCA and dismissed the appeal against sentence.

During 2018, the appellant, Mr Mohlaloga was convicted by the Regional Court for the Regional Division of Gauteng, held at Pretoria (the trial court) on one count of fraud (count 1), relating to misrepresentations from which he secured R6 million from the Agri Broad Based Black Economic Empowerment. He was also convicted on another count of contravention of s 4 of the Prevention of Organised Crime Act 121 of 1998 (count 2). The trial court sentenced him to 15 years' imprisonment on each count and ordered that 10 years of the sentence on count 2 be served concurrently with the sentence on count 1, thus imposing an effective sentence of 20 years' imprisonment. These charges related to a position of trust held by Mr Mohlaloga as the former Chairperson of the Parliament's Portfolio Committee on Agriculture, which he misused, to divert funds intended to uplift and empower previously disadvantaged and emerging farmers in the agricultural sector to progress to commercial farming. As a result of his conduct the project ceased to be a broad-based empowerment programme and instead became a means through which he purchased luxury vehicles, started a stationary business, purchased art and a timeshare and channeled an amount to R2.8 million to his family trust. It was common cause that no funds were used for the agricultural empowerment programme as intended. Mr Mohlaloga appealed against both his conviction and sentence to the Gauteng Division of the High Court, Pretoria (the high court), which dismissed the appeal and confirmed his conviction and sentence. He then petitioned the SCA for special leave to appeal, which was granted in respect of the sentence imposed but refused in respect of the conviction. Mr Mohlaloga subsequently applied to the President of the SCA in terms of s 17(2)(f) for a reconsideration of the decision refusing special leave to appeal on conviction. The President referred the decision for reconsideration and, if necessary, variation to the court.

The issues for determination before the SCA was whether there were exceptional circumstances warranting a reconsideration of the application refusing leave to appeal on conviction.

In finding that Mr Mohlaloga failed to meet the heightened threshold of demonstrating exceptional circumstances warranting a reconsideration of his appeal, the SCA held that he merely rehearsed the arguments which had already made and were considered and rejected by both the high court and two judges of the SCA. The SCA accordingly held that he failed to demonstrate that the errors which he sought to appeal against constituted exceptional circumstances such that, if not reconsidered, would have resulted in a grave injustice or have placed the administration of justice into disrepute.

In upholding the prescribed 15-year minimum sentence prescribed by s 51(2)(a)(i) of the Criminal Law Amendment Act 105 of 1997 for a first time offender convicted of an offence in Part II of Schedule 1, which includes fraud where the amount exceeds R500 000, the SCA found that the trial court considered all the mitigating and aggravating factors and correctly concluded, that there were no substantial and compelling circumstances which justified a lesser sentence, and accordingly found no basis to interfere. The SCA further in weighing the aggravating circumstances which included the abuse of his public office, the exploitation of funds meant to empower previously disadvantaged farmers, his lack of remorse and his failure to repay the funds found that the overall severity of the crimes outweighed the mitigating factors which included that he was a first time offender whose wife was unemployed and that he had dependents which included minor children and extended family members.

In the result, the application for reconsideration on conviction was struck from the roll and the appeal against sentence was dismissed.