



**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:** 30 May 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*

*Rathebe v The State (1571/2024) [2025] ZASCA 73 (30 May 2025)*

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Today the Supreme Court of Appeal (SCA) handed down a judgment in which it upheld the appeal of Mr Ramesa Johannes Rathebe (Mr Rathebe), against the judgment and order of a full bench of the Gauteng Division of the High Court, Pretoria (the high court), setting aside his conviction on all 11 counts of rape. The special leave to appeal was granted by the SCA under extraordinary circumstances, following a similar acquittal of his former co-accused in an earlier judgment of the SCA.

The crisp issue for determination was whether Mr Rathebe, previously sentenced to 20 years' imprisonment, was entitled to an acquittal on all 11 counts of rape, given that his erstwhile co-accused, Mr Sekoala was acquitted on the same charges and on the same set of facts in February 2024, in *Sekoala v The State (Sekoala)*. The appeal was unopposed and the parties agreed that it be disposed of without oral argument on Mr Rathebe's papers, as contemplated in s 19(a) of the Superior Courts Act 10 of 2013 (the Superior Courts Act).

The SCA noted that while the present case did not raise the same issue of *res judicata*, as was raised in *Molaudzi v S*, the approach of the Constitutional Court in that matter, made plain the importance of the need to serve the interests of justice in cases where co-accused persons have 'split appeals' and unfortunate anomalies consequently occur. The SCA found that the evidence of the State, as it was with Mr Sekoala, failed to meet the standard of proof beyond a reasonable doubt.

Consequently, the SCA made an order setting aside the high court order and replaced it with an order acquitting and discharging Mr Rathebe on all 11 counts of rape.

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