



**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:** 26 April 2026

**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 judgment of the Supreme Court of Appeal***

*Mandla v The State* (1433/24) [2026] ZASCA 59 (24 April 2026)

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Today the Supreme Court of Appeal (SCA) handed down judgment upholding an appeal against the decision of the Eastern Cape Division of the High Court, Makhanda (the High Court) dismissing his application for leave to appeal against his conviction.

The appellant had been convicted of rape in the regional court and sentenced to 20 years' direct imprisonment. His application to the regional court for leave to appeal against both his conviction and sentence was dismissed in terms of section 309B of the Criminal Procedure Act 51 of 1977 (the CPA). On further application to the High Court in terms of section 309C(2), two judges granted him leave to appeal to the Full Court only against the sentence and dismissed the application for leave to appeal against the conviction. The appellant thereafter applied to the SCA in terms of section 16(1)(b) of the Superior Courts Act 10 of 2013 for special leave to appeal against the refusal of leave to appeal the conviction.

The issue for determination was whether the High Court ought to have granted leave to appeal against the conviction, and not the merits of the appeal itself.

The SCA held that the applicable test in this regard was the existence of reasonable prospects of success on appeal and that the appellant bore the onus of satisfying the Court that such prospects existed. The Court further held that, without engaging with the merits of the case, the grounds relied upon by the appellant were debatable. However, the ground relating to the absence of DNA evidence was considered more compelling.

The Court noted that although the appellant initially alleged that the sexual encounter was consensual, when he later testified, he completely denied having had sexual intercourse with the complainant. The fact that the complainant referred to vaginal penetration, while the evidence indicated anal penetration, required closer examination. The SCA observed that DNA samples were taken of the complainants' swabs but the results thereof were never presented in evidence, which would have enhanced the State's case in determining whether the appellant had sexual intercourse, whether vaginal or anal, with the complainant. There was also the role played by alcohol during the alleged rape, as the complainant had consumed alcohol and some parts of her evidence was not particularly clear. The Court held that a more detailed scrutiny of the medical evidence was required in order to assess the complainant's evidence of rape against the available medical findings.

Having regard to the conspectus of the evidence and the appellant's grounds of appeal, the SCA concluded that there were reasonable prospects that another court could arrive at a different conclusion in respect of the conviction. The appeal therefore succeeded and the appellant was granted leave to appeal against the conviction in the High Court

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