



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**  
**MEDIA SUMMARY**

**From:** The Registrar, Supreme Court of Appeal

**Date:** 29 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 judgments of the Supreme Court of Appeal*

*Mvubu v The State (146/2023) [2026] ZASCA 62 (29 April 2026)*

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Today the Supreme Court of Appeal (SCA) upheld an appeal against the refusal by the KwaZulu-Natal Division of the High Court, Pietermaritzburg (high court) to grant leave to appeal against sentence. The appellant had been convicted in the Newcastle Regional Court (regional court) on multiple counts, including three counts of robbery with aggravating circumstances, unlawful possession of firearms and ammunition and theft of a motor vehicle. He was sentenced to an effective term of 30 years' imprisonment. In addition, the regional court ordered, in terms of s 276B of the Criminal Procedure Act 51 of 1977, that he serve at least two-thirds of his sentence before being considered for parole.

The appellant's applications for leave to appeal against both conviction and sentence were refused by the regional court. On petition to the high court, leave to appeal was granted in respect of certain convictions, but refused in respect of sentence. Although the high court was not seized with an appeal against sentence, it nevertheless set aside the non-parole period imposed by the regional court. The appellant thereafter petitioned the SCA for special leave to appeal against the refusal of leave to appeal on sentence.

The SCA reiterated that it does not have jurisdiction to hear appeals on the merits of sentence directly from a magistrates' court. The issue before it was whether the high court erred in refusing leave to appeal, which turns on whether the appellant has reasonable prospects of

success on appeal. In assessing this question, the Court considered the seriousness of the offences and the effective sentence imposed. While acknowledging that the crimes were serious, the Court found that the regional court failed to provide adequate reasons justifying the imposition of an effective sentence of 30 years' imprisonment. In particular, insufficient regard was had to the appellant's personal circumstances, including his clean criminal record, age, and prospects of rehabilitation, as well as the fact that no serious injuries were sustained by the victims.

The SCA held that the inadequate reasoning by the regional court, in imposing so severe a sentence, entitled it to interfere with the high court's refusal to grant leave to appeal. It concluded that the appellant has reasonable prospects of success on appeal against sentence. In the result, the appeal was upheld.