



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: 25 May 2026

Status: Immediate

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Ngwadla v The State (936/2020) [2026] ZASCA 77 (25 May 2026)

Today, the Supreme Court of Appeal (SCA), handed down a judgment, in which it upheld an appeal against an order granted in the North West Division of the High Court, Mahikeng.

The SCA handed down a divided judgment in an appeal arising from the murder of a state witness. The appellant Mr Hlalanathi Ngwadla (the appellant), and his late brother, Namhla Ngwadla, had been convicted in the trial court of murdering the deceased, who was fatally stabbed, and were each sentenced to life imprisonment. On appeal, the full court upheld the convictions but reduced the appellant's sentence to 18 years' imprisonment. The appellant subsequently obtained special leave to appeal to the SCA against his conviction and sentence. He only proceeded with the appeal against his conviction.

The issue before the SCA was whether the State had proved beyond a reasonable doubt that the appellant participated in the murder of the deceased and whether the lower courts had improperly relied on the doctrine of common purpose without notice to the appellant.

Central to the State's case was the evidence of Mr Isaac Papie Riet (Mr Riet), who testified that he saw the appellant, his late brother and another unidentified individual surrounding the deceased in the appellant's yard. Their hands and legs were at that moment raised in the air as if they were dancing. The deceased subsequently fell to the ground. They picked him up and carried him to the street. Mr Riet stated that the appellant was armed with a knife, the unidentified individual a pick-handle, and his late brother had nothing in his hands. Upon closer inspection, at the time the deceased was on the ground, he realized that he was bleeding heavily, with a knife blade lodged in his skull. Although he did not witness the stabbing itself, he described their raising of the hands being consistent with an assault and testified that the appellant remarked that the deceased had not yet died.

The minority reaffirmed that appellate courts should be slow to interfere with the factual and credibility findings of trial courts unless clearly wrong or affected by material misdirection. It found no reason to upset the trial court's acceptance of Mr Riet's evidence, which the full court also upheld, despite him being a single witness. The minority further held that the conviction rested on circumstantial evidence, rather than on the doctrine of common purpose. Medical evidence suggesting the possibility of two stab wounds further strengthened the inference that both the appellant and his brother directly participated in the attack.

The minority also confirmed the rejection by the trial court of the evidence of the appellant that Lulu, his friend, is the one who stabbed the deceased. It held that the cumulative circumstantial evidence established the appellant's guilt beyond a reasonable doubt. The minority further agreed with the trial court that the deceased had been a material witness in separate criminal proceedings involving the appellant and his late brother, supporting the inference that the murder was committed to silence a State witness and bringing the matter within the ambit of the minimum sentencing provisions of s 51(1) and Part I of Schedule 2 of the Criminal Law Amendment Act 105 of 1997.

In the majority judgment, penned by Coppin JA, the appeal was upheld. The majority held that the State had failed to prove beyond a reasonable doubt that the appellant inflicted the fatal wound or actively associated himself with the conduct of the perpetrator. It reasoned that there is no evidence to support the inference drawn by the minority judgment. Further that, the minority judgment overstated or misconceived the principle applied in appeals as one of deference, which is not. The Court found that the trial court had effectively relied on the doctrine of common purpose without notifying the appellant, thereby infringing his constitutional right to be informed of the charge against him.

The Court further criticised Mr Riet's evidence as contradictory, incoherent and improbable, emphasising that he conceded he had not witnessed the stabbing itself. It reasoned that the evidence that Lulu stabbed the deceased is highly probable and the appellant must benefit from therefrom. The majority rejected the medical evidence relied upon by the minority as speculative. It concluded that the State had failed to exclude reasonable inferences consistent with innocence. The majority upheld the appeal, set aside the conviction and sentence, and ordered the appellant's immediate release.

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