



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 21 September 2007

Status: Immediate

**TAKALANI FHETANI v THE STATE**

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

On 11 September 2007 the Supreme Court of Appeal (the SCA) set aside a sentence of 15 years' imprisonment which was imposed by the Venda High Court on Mr Takalani Fhetani, for sleeping with a girl under the age of 16 years. Fhetani was convicted of contravening s 14 of the Sexual Offences Act 23 of 1957 which prohibits sexual intercourse with a girl under the age of 16 years with her consent. It appears that Fhetani and the girl were lovers and that they spent the night together on 18 June 2002. The mother of the girl laid a charge of rape with the police subsequent to her daughter failing to return home.

Having pleaded guilty to the alternative charge of having sexual intercourse with a girl below the age of 16 years, the High Court sentenced him to 15 years' imprisonment, even though the Sexual Offences Act prescribes a maximum sentence of 6 years for such offence. Afterwards he was granted leave to appeal but bail was fixed at R10 000. He was unable to raise the bail money because he was a matric learner at the time of the conviction in September 2002.

As a result of this and the delays caused by his Legal Aid Board attorneys, he spent 5 years in jail before his appeal was heard by the SCA which reduced the sentence to 3 years' imprisonment and ordered his immediate release from jail.