



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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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

MBANGISENI ELIAS MPUNGOSE v THE STATE

The Supreme Court of Appeal today upheld an appeal by Mr Mbangiseni Elias Mpungose (a prominent Ulundi taxi operator) against the judgment of the KwaZulu-Natal High Court which found him guilty of the rape of the deceased, 15 year-old Celukuphila Mlambo, and sentenced him to life imprisonment.

The State had no eyewitness in the case as the deceased had been gunned down at her home together with her mother Mrs Bulawelani Mlambo and a relative, Siphon Ndawonde, before the trial. In securing Mpungose's conviction the State had relied mainly on two statements she had given to the police shortly after the rape, in which she described her rapist and the vehicle he drove, and the evidence of various witnesses who claimed to have been asked by Mpungose to approach the deceased's family and seek forgiveness and offer compensation to the family on his behalf.

The SCA found that the trial court had erred in accepting both the evidence of the alleged mediators, (which it found improbable) and the hearsay statements of the deceased (which it found unreliable) in which she described her attacker as a man with a light complexion and *izingcabo* or traditional marks on his face, whereas it was common cause that Mpungose was dark in complexion and had no such marks on his face.

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