



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

27 March 2012

STATUS: Immediate

MUSA DLAMINI V STATE (362/11)

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

The Supreme Court of Appeal (the SCA) today upheld an appeal from the KwaZulu Natal High Court against the sentence imposed in respect of three counts of robbery, unlawful possession of firearm and ammunition and theft. The court substituted an effective sentence of 43 years' imprisonment with one of 17 years' imprisonment on all the counts. The majority held that the regional magistrate erred in not ordering the sentences on the three robbery convictions to run concurrently. The majority found that the appellant had been correctly convicted on three counts of robbery. Three women had been threatened inter alia with a firearm and each one was robbed separately of various possessions, which included two motor vehicles. The majority held that this constituted three separate robberies. The minority, however, held that these acts constituted a continuous transaction with one single intent, hence there should have been only one conviction of robbery in respect of the three complainants. The minority would therefore have interfered with the sentence on this basis, but it also held that, even if there were to be three convictions of robbery, the sentences should have been ordered to run concurrently.

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