



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: 30 March 2011
Status: Immediate

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.

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NTHABELENI DANIEL RATHUMBU V THE STATE

Today, the Supreme Court of Appeal (SCA) handed down a judgment, in the case of Nthabeleni Daniel Rathumbu v The State, dismissing the appeal. The appellant had been convicted of the murder of his wife, whose body was discovered at their common home having sustained multiple stab wounds. He was sentenced to ten years imprisonment.

The order and judgment of the high court was attacked mainly on the ground that the trial court in convicting the appellant, incorrectly relied on a sworn written statement wherein a witness stated that she saw the appellant, her brother, stabbing the deceased, with a knife. The statement was made to the police shortly after she had allegedly witnessed the incident. But when the witness gave evidence, she disavowed the contents of the statement, only to the extent to which she implicated the appellant in the murder of the deceased. That statement constitutes essentially hearsay evidence.

This court found that the trial court correctly admitted the statement as the evidence demonstrates that there is substantial corroboration for its truthfulness. In addition, in

applying the principles for the admission of hearsay evidence, there are factors that indicate that when the witness made the statement she was telling the truth. The appellant was therefore correctly convicted.