



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: 30May2012
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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The appellant was convicted of rape in a regional court in Venda. Upon conviction his case was referred to the Venda High Court for sentence to be imposed in terms of the so-called minimum sentence legislation. He was sentenced to life imprisonment. Seven years after he was sentenced the appellant applied for leave to appeal. He was granted such leave only in respect of.

At no stage prior to the appellant's appeal to this court was it noticed that the appellant was wrongly sentenced as if he was convicted of raping a girl under the age of 16 years. The Supreme Court of Appeal extended the leave to appeal to include an appeal on sentence. After the matter was heard an order was issued confirming the conviction, setting aside the sentence of life

imprisonment and imposing a sentence of 10 years' imprisonment ante-dated to the date when the appellant was first sentenced, 26 October 2001. The Department of Correctional Services was promptly notified of the reduction in the sentence.

The Supreme Court of Appeal today delivered the reasons for the order made.