



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
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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.

Piet Kwanape v The State

Today the Supreme Court of Appeal (SCA) dismissed an appeal by the appellant against a sentence of life imprisonment imposed by the Northern District Circuit of the North Gauteng High Court on 20 September 2007.

On 21 November 2006 the appellant was convicted of rape of a twelve year-old girl by the Modimole Regional Court sitting in Polokwane.

Section 52 of the Criminal Law Amendment Act 105 of 1997 required, at the time, a regional court, if it has convicted an accused person of an offence for which life imprisonment is prescribed, to stop the proceedings and commit the accused for sentence by a high court.

The appellant had abducted the complainant whilst she was playing in the street with two friends and dragged her to a bush where he raped her three times. Once the appellant had finished having intercourse with the complainant he took her to his home where she remained for the night.

The appellant argued that, given his personal circumstances, the high court should have found that substantial and compelling circumstances existed that justified the imposition of a lesser sentence.

The SCA rejected this argument and held that the gravity of the crime coupled with the fact that the complainant was a child, brazenly abducted from the street, raped more than once and held against her will at the appellant's home for the whole night rendered the sentence imposed by the high court proportionate to the crime.