



THE SUPREME COURT OF APPEAL  
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal  
Date: 27 March 2013  
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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**Neutral citation:** *Mabunda v S* (765/12) [2013] ZASCA 30 (27 March 2013)

The appellant was convicted on two charges of robbery with aggravating circumstances in the Thoyoyandou High Court. He was sentenced to 15 years' imprisonment on each count. These sentences were not ordered to run concurrently which resulted in the appellant being effectively obliged to serve 30 years' imprisonment. The appellant appealed to the Supreme Court of Appeal solely against his sentence.

The two counts of robbery had occurred on the same night at Mashau in the province of Limpopo. On the first count, the home of a woman who lived with her child and two elderly women was invaded by the appellant who, together with two companions, broke in and held up the occupants at gunpoint. Having threatened the people in the house, they left after stealing approximately R1500 in cash, a cellphone, a small amount of jewellery and a mini hi-fi and a TV aerial.

The second incident occurred when a night watchman guarding premises was held up at gunpoint. Under duress he informed the appellant and his companions of a box of cellphones that he was guarding valued in excess of R6000. The appellant and his companions proceeded to take them.

In its judgment the Supreme Court of Appeal stressed the prevalence of offences of this nature and the necessity to act firmly in cases where offenders are convicted of robbery in such circumstances. However it concluded that the effective sentence of 30 years' imprisonment was extremely severe, being a sentence that should be reserved for those cases fallen within the upper echelons of severity which, although severe these cases were not. It therefore directed that 12 years of the sentence

imposed on the second count should run concurrently with the 15 years' imprisonment imposed on the first count.

The appeal therefore succeeded to that extent only which will oblige the appellant to serve 18 years' imprisonment.

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