



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 28 March 2013
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Nevhutalu v The State (692/12)

Media Statement

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The Supreme Court of Appeal (SCA) today upheld an appeal from the North Gauteng High Court, Pretoria, sitting as a court of appeal. The high court had dismissed an appeal from the regional court in Polokwane which had imposed a sentence of 6 months' direct imprisonment on the appellant, Justice Khakhathi Nevhutalu, for the unlawful pointing of a firearm. The SCA held that, given the appellant's strongly mitigating personal circumstances, a sentence of direct imprisonment was unwarranted. It concluded that the appellant is a useful member of society and that a totally suspended sentence subject to certain conditions for a period of 5 years, would better serve the traditional aims of punishment. The SCA also set aside the order declaring the appellant to be unfit to possess a firearm, for which no reasons had been given by the trial court. The SCA held that there is no justification on the evidence for such an order.

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