



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF REASONS DELIVERED IN THE SUPREME COURT OF APPEAL

Supreme Court of Appeal of South Africa

MEDIA STATEMENT

From: The Registrar, Supreme Court of Appeal

Date: 30 May 2013

Status: Immediate

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

Tshifhiwa Tshisilingo Nemavhola v The State (45/12)

Today the Supreme Court of Appeal handed down the reasons for setting aside the conviction and a sentence of life imprisonment imposed by the Limpopo High Court on a charge of rape.

The appellant was in custody from 2005 charged with a rape offence committed in 2004. He was convicted and sentenced during 2006.

The SCA found that the evidence by the complainant in relation to the sexual conduct was inadequate and that the trial court misdirected itself by relying on evidence of a medical practitioner that the doctor never testified.

Further the court below found that the incident happened on a Saturday and therefore rejecting the alibi evidence. The incident occurred according to the calendar, on a Wednesday. The court below's rejecting of the alibi evidence was therefore incorrect.

The appellant was released from custody on 23 May 2013 by order of the SCA.

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