



**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: 7 September 2016
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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THOBANI NOTSHOKOVU V THE STATE

The Supreme Court of Appeal today refused an application for special leave to appeal.

The application was in terms of s 17(2)(f) in terms of which the President of this court could in exceptional circumstances refer the decision refusing leave to the court for reconsideration and, if necessary, variation thereof.

The SCA decided to refuse the special leave because it was of the view that no special circumstances existed justifying or meriting a further appeal based on the facts of the case.

This court was of the view that even the high court and the two judges of the SCA who considered an application for leave to appeal acted correctly. There is overwhelming evidence that the complainant did not give consent to the sexual intercourse. Therefore the State proved beyond reasonable doubt that she was raped and that the appellant's version was not reasonably possibly true.