



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: 18 March 2008

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.*

**JG SWANEPOEL v THE STATE (508/07) [2008] ZASCA 8 (18 March 2008).**

[1] The SCA today allowed an appeal brought by a Pretoria businessman, Mr Jaco Gunter Swanepoel, against his conviction in the Pretoria Magistrate's Court on charges of assault with intent to do grievous bodily harm (modified on appeal to the Pretoria High Court to common assault), *crimen injuria* and statutory contempt of court.

[2] The SCA held that the evidence of the complainant, who was the only witness called by the State, was unsatisfactory in certain respects and the magistrate had misdirected himself in several points. In consequence the SCA was obliged to reassess the evidence itself on the record. It held that it was not possible to say where the truth lay and the appeal had to be allowed on the first two counts.

[3] On the charge of statutory contempt of court the court said that at best for the State the appellant was negligent and that counsel for the State had conceded that this was not enough to sustain the conviction.