

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT
JOHANNESBURG

CASE NO: SS 42/13
DPP REF NO: JPV 2013/026
DATE: 6th June 2013

- (1) REPORTABLE: YES
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.

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In the matter between:

THE STATE

and

MGIBELO, THEMBI JANE ENKILE

Accused

S U M M A R Y

MUDAU, AJ:

CRIMINAL LAW - Murder — attempted – arson - evidence — Sufficiency-reasoning by inference- vengeful killing- distinguishable from crimes of passion.

Sentence - Prescribed sentences - Minimum sentences – Imposition of in terms of s 51(1) Criminal Law Amendment Act 105 of 1997 - '*Substantial and compelling circumstances*' - Murder - Court not finding that '*substantial and compelling circumstances*' exists, justifying lesser sentence than life imprisonment – life imprisonment imposed for murder.