

Supreme Court of Appeal of South Africa

**MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME
COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 31 May 2007

Status: Immediate

N E VHENGANI v THE STATE

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

Today, the Supreme Court of Appeal (the SCA) has upheld Mr Vhengani's appeal. He had been convicted of rape and sentenced to 20 years' imprisonment by the Venda High Court in 2003. Although the SCA accepted that the rejection of his alibi by the trial court might have been correct, it found that on the complainant's evidence (which was evidence of a single witness) there was a reasonable doubt that what occurred on the night in question amounted to rape. And if so, the assailant had been properly identified as the appellant. The SCA held that the prosecution has failed to prove its case beyond reasonable doubt and that as a result the appellant was entitled to an acquittal.