



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: 23 September 2009

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.

BENZANI NXUMALO v THE STATE

In a judgment delivered on 23 September 2009, the Supreme Court of Appeal partially upheld an appeal against the conviction of the applicant, Mr Benzani Nxumalo, in the Kroonstad Circuit Court before Hancke J and assessors on one count of robbery with aggravating circumstances and one of kidnapping.

The appellant and some of his co-accused were found to have been members of a criminal syndicate specialising in the hijacking of heavy trucks and other motor vehicles and the export of such vehicles, primarily to Mozambique. The indictment covered more than twenty separate hijacking incidents over a period of some five-and-a-half years, between 1999 and 2005. The appellant was convicted on a

total of ten counts and sentenced to a composite sentence of 25 years imprisonment.

On appeal, the SCA found that the circumstantial evidence with regard to two of the counts was insufficient to sustain the convictions and set aside those convictions. The court held, however, that there was no reason to interfere with the composite sentence of 25 years imprisonment imposed by the trial court.