



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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From: The Registrar, Supreme Court of Appeal

Date: 28 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

EMMANUEL OLAWALE V THE STATE

The Supreme Court of Appeal (SCA) today upheld an appeal by the appellant against the decision of the Johannesburg High Court in which the appellant was found guilty of robbery with aggravating circumstances and sentenced to 10 years' imprisonment. The conviction and sentence were set aside.

The court below found the evidence of the complainant, a single witness, to be satisfactory and rejected the appellant's version on the basis that it was so improbable and beyond belief that it could not reasonably possibly be true.

The Supreme Court of Appeal held that there were shortcomings in the evidence of the complainant, a single witness and that there was nothing in the objective facts which corroborated his version in regard to the actual robbery. This court thus found that the magistrate had erred in accepting the complainant's testimony without any corroboration. The Court held, further, that the appellant stated his version in great detail and provided documentary evidence to support his contention and that the

objective facts also supported his version, hence it could reasonably possibly be true. The court was thus not satisfied that the guilt of the appellant had been proved beyond reasonable doubt. It accordingly set aside the conviction and sentence.

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