



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
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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.

Chauke Hlayisani Ronny & another v The State

Today the Supreme Court of Appeal (SCA) upheld an appeal by the first and second appellants against their conviction and related sentences by the Limpopo High Court, Thohoyandou.

The issue on appeal was whether the guilt of the appellants had been established beyond reasonable doubt by the State; and whether the sentences imposed on the appellants by the high court were appropriate.

The appellants were indicted in the high court on a charge of murder. They were both convicted as charged, for the murder of a taxi-owner, and subsequently sentenced to 27 years' imprisonment. It was alleged that the appellants, acting in the furtherance of a common purpose, intentionally and unlawfully shot and killed the deceased. The appellants denied their involvement in the murder and stated that on the day of the murder they were at Soshanguve. The first appellant also contested the admissibility of his alleged admission on the grounds that it was not made freely, but induced by actual and threatened assaults on him at the hands of the police.

The SCA held that the State bore the onus of proving the guilt of the appellants beyond reasonable doubt, and on the facts, the State's case was not such that the only reasonable inference to be drawn therefrom, was that the guilt of the appellants had been established.

The SCA held that the conviction of the appellants would only be sustainable, if on a conspectus of the evidence, their versions cannot reasonably possibly be true. The SCA held further that there were compelling considerations militating against the acceptance of the evidence tendered by the State's witnesses and it could not be preferred to that of the first appellant in light of all the circumstances more particularly where the alleged admissions by him were the only evidence upon which a conviction is sought to be premised.

The SCA therefore found that the convictions and the sentences of the appellants fell to be set aside.