

IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Appeal No. : A130/2013

In the matter between:-

LEQHEKU LUCAS MOLOI

Applicant

and

THE STATE

Respondent

CORAM: KRUGER *et* MOCUMIE, JJ

JUDGMENT BY: KRUGER, J

DELIVERED ON: 31 OCTOBER 2013

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

- [1] This is an application for leave to appeal against our judgment dismissing the applicant's appeal against the sentence imposed on him in the Bloemfontein Regional Court.
- [2] The legal representatives of the accused and the State agreed that they would lodge written submissions and that the application for leave to appeal could be disposed of in chambers. On behalf of the applicant Mr van Biljon filed

written argument and Mr Bontes filed his submissions on behalf of the respondent.

- [3] Applicant was convicted of corruption in that as an Assistant Director/Manager in the Department of Health, a public officer, he agreed to accept R100 000.00 from a tenderer so as to tamper with and influence the awarding of the tender. The regional court sentenced applicant to three years imprisonment.
- [4] Mr van Biljon contends, as he did at the hearing of the appeal, that the applicant should have been sentenced to correctional supervision under section 276(1)(h) of the Criminal Procedure Act 51 of 1977. Mr van Biljon submits that all the circumstances must be taken into account. He says the applicant is capable of rehabilitation and does not pose any danger to the community. He says the court overemphasised the seriousness of the offence and paid too little attention to the personal circumstances of the applicant.
- [5] Mr Bontes points out that the sentencing discretion lies primarily with the trial court. Corruption is a serious offence. No misdirections were made and the sentence is not shockingly inappropriate.
- [6] In our view there are no reasonable prospects that another court can come to a different conclusion. The application for leave to appeal is refused.

A. KRUGER, J

I concur.

B.C. MOCUMIE, J

On behalf of applicant: Mr S.J. van Biljon
Instructed by:
J.G. Kriek & Cloete
BLOEMFONTEIN

On behalf of respondent: Adv D.W. Bontes
Instructed by:
Director of Public Prosecutions
BLOEMFONTEIN

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