

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

(1) **NOT REPORTABLE**
(2) **NOT OF INTEREST TO OTHER JUDGES**

[REDACTED]
3/05/2024

APPEAL CASE NUMBER: A39/2024

CASE NO: SH 174/2022

In the matter between:

HUNSLEY DU-WAYNE

Appellant

and

THE STATE

Respondent

JUDGMENT

Strydom, J

- [1] This is a bail appeal. The Learned Regional Court Magistrate ("the magistrate") refused the bail application brought by the Appellant based on alleged new facts. In terms of s 65(4) of the Criminal Procedure Act 51 of 1977 ("CPA"), a court hearing an appeal shall not set aside the decision against which the appeal is brought, unless such court is satisfied that the decision was wrong, in

which event the court shall give the decision which, in its opinion, the lower court should have given.

- [2] The functions and powers of the court hearing an appeal under this section are similar to those in an appeal against a conviction and sentence. The question would be, whether it can be said that the magistrate who had the discretion to grant bail, exercised that discretion wrongly (see *State v Barbour* 1979 (4) SA 218 (D) at 220 E-H).
- [3] On 24 March 2022, the Appellant was arrested by members of the public at his home. He was subsequently arraigned on three counts of robbery with aggravating circumstances and on a count of being in unlawful possession of a prohibited firearm, only described in the indictment as "a 9mm".
- [4] On or about 9 June 2022 the Appellant, being represented by Legal Aid counsel, applied for bail. At the outset, it should be mentioned that the Legal Aid counsel did not properly present a bail application before court. He failed to place any evidence under oath before the court, either by way of an affidavit or by way of *viva voce* evidence. This despite the magistrate placing on record that evidence was required.
- [5] At the hearing of the bail application, it was accepted that the counts fell within the ambit of Schedule 5 to the CPA, rendering s 60(11)(b) applicable to the application.
- [6] In terms of this section, it was expected of the Appellant to place evidence before court, which could have satisfied the court that the interests of justice permitted his release.
- [7] What transpired was that facts were placed before the court from the bar by way of submissions. The Appellant's personal circumstances were placed on record, without objection. These circumstances included his age of approximately 30 years old. He was unmarried with two children, for which social grants from SASSA were received. The Appellant supported his family as he had work at that stage. It was placed on record that his employer was willing to re-employ him upon his release on bail.

- [8] It was stated that he was not a flight risk and he lived with his parents all his life where he was arrested. He in fact never left Gauteng. He was previously out on bail which he stood. He had no pending cases.
- [9] The state then presented as evidence the sworn statement of the investigating officer Detective Constable Tshepang Medupe ("the IO"). The prosecutor read the contents of the statement into the record of proceedings. This is an important aspect as the statement, which was later handed in as Exhibit A, differs from what was read into the record by the prosecutor.
- [10] According to the record, the statement contained a summary of the allegations which the three complainants made against the Appellant. In brief, it was alleged that the three complainants, on 15 March 2022, late at night, came back from work and walked together to their respective homes. They were accompanied by another co-worker, Paul Pretorius ("Pretorius"). As they were walking, an unknown coloured male pointed a firearm at them and demanded their belongings and robbed them of items such as a cell phone, money, clothing items and a wedding ring. The collective value of these were R3,700.
- [11] It was further read into the record that the IO on 24 March 2022 got information about the arrest of the Appellant by one of the witnesses Ms Pietersen and that his name was Dwayne. He was then arrested by the IO and was detained. It was read into the record that the Appellant's address was confirmed and that he has previous convictions. His mother stated that he was on parole. It was further stated that the Appellant was part of the Davidsonville community, and that the community was not happy with him. It was then proposed that for purposes of his safety that he be kept in custody until finalisation of the matter.
- [12] The witness wanted to provide the date when the statement was made but was interrupted by the magistrate. She stated that there are three counts and then the prosecutor placed on record that the charges relate to the same incident. Then the court stated:
- "And then I see there is also an allegation that the accused was found in possession of a firearm, on the date of his arrest."*
- [13] The statement of the arresting officer was then handed in and received as Exhibit A.

- [14] The only Exhibit A before this court is the statement by the IO, commissioned on 30 March 2022, which does in material aspects deviate from the statement read into the record. The statement read into the record is much shorter than the statement handed in as Exhibit "A". It does not state that the accused pointed a firearm at the complainants but states, in more than one paragraph, that the complainants were pointed with a knife. According to Exhibit "A" the IO, when he arrested the Appellant, told him that he was under arrest for robbing people with a knife.
- [15] Neither the prosecutor, the court, nor the Appellant's legal representative, said anything about the material discrepancy between the statement read into the record and the exhibit handed into court. Consequently, there is no explanation for this on record and even when the appeal was argued, nothing was said in this regard.
- [16] During the exchanges between the magistrate and the prosecutor, the magistrate referred to count 4, being a count that on 24 March 2022 the Appellant was in unlawful possession of a prohibited firearm. The prosecutor then said that a firearm was found and a knife.
- [17] Considering that there are conflicting versions as to what is contained in the complainants' statements to the police, a question mark is placed over the veracity of the contents of the two statements, i.e., the one read into the record and Exhibit "A".
- [18] During argument, the fact that the Appellant was out on parole on a sentence of eight years for robbery, became common cause.
- [19] The Appellant's previous convictions were placed on record without objection. During 2012, he was convicted on a charge of being in possession of suspected stolen property. He was sentenced to a suspended sentence. Also, during 2012, he was found guilty on a count of theft and was sentenced to correctional supervision. In 2017 he was convicted on a charge of robbery and sentenced to eight years imprisonment.
- [20] Then the magistrate asked the prosecutor as follows:

"Yes, and seen in the light thereof that it is alleged that a firearm was used is it not a schedule 6 Sir?"

[21] The prosecutor then replied:

"No, it was a knife that was used. However when he was arrested he was found in possession of a knife and a firearm."

[22] The magistrate then delivered a judgment with reference to schedule 5 and not schedule 6 of the CPA. In the judgment she quoted section 60(11)(b) of the CPA.

[23] The magistrate found that there was no evidence under oath before the court, but nevertheless considered the bail application. She found that the Appellant is facing 45 years imprisonment as the three counts of robbery was for robbery with aggravating circumstances.

[24] She found that there is a reasonable strong case against the Appellant and that the Appellant was found in possession of a firearm days after the alleged robbery.

[25] She refused bail on the basis that there is a likelihood that if the Appellant was released on bail, he would endanger the safety of the public or any particular person or will commit a schedule 1 offence. She based this finding on the fact that the Appellant was out on parole and now is accused of robbery which is a violent crime. She stated that during the robbery the Appellant threatened the complainants to kill them if they were to report this matter. She found that there existed a likelihood that he will interfere with witnesses.

[26] She found that as a result of the gravity of the charges the Appellant may evade his trial.

[27] Without going into detail of these findings, in my view the Appellant, at that stage, failed to adduce evidence that could have satisfied the court that the interests of justice permitted his release. No evidence was placed before court, submissions were only made from the bar. Although the personal circumstances and other facts placed before court were uncontested, more was required of the Appellant to place evidence before court. Considering that the onus was on the Appellant at that stage to show that the interests of justice permitted his release, he failed to do so.

- [28] About 18 months after the abortive bail application, the Appellant brought a further bail application based on new facts. He was now represented by an attorney, Mr. Badenhorst.
- [29] The prosecutor in the court *a quo* did not accept that there were new facts but the court found new facts to be in existence.
- [30] What transpired after the first bail application was that the charge relating to a prohibited firearm was withdrawn against the Appellant. This became apparent if one considers what transpired at previous hearings of the matter. It became common cause that no prohibited firearm was found when the Appellant was arrested on 24 March 2022. A toy gun was found in the house. The magistrate was not prepared to accept this fact as a new fact, even though she mentioned, in her previous judgment refusing bail, that a firearm was found in the Appellant's possession when members of the community searched the applicant's home.
- [31] In my view, the withdrawal of this firearm related charge, which carried a maximum sentence of 25 years imprisonment, in fact constituted a new fact. Not much turned on this as the magistrate found in any event that the Appellant established a new fact considering the evidence which was led on behalf of the Appellant.
- [32] Two witnesses were called in this bail application on new facts to testify on behalf of the Appellant. The new fact which the magistrate found to be present pertains to the strength of the state's case. In the statement of the IO in Exhibit A, referred to hereinabove, it is stated that the complainants were walking with a co-worker, one Paul Pretorius, when they were approached by an unknown male. This unknown male robbed them of their belongings.
- [33] The Appellant called Pretorius to testify in the bail application. He testified that on 15 March 2022, he was walking with the complainants towards Davidsonville where all of them reside. On their way, they encountered the Appellant. He denied that there was any incident of robbery or that a knife was produced. He testified that there was friction between the Appellant and his family and the people who arrested him, but this only started after the arrest.
- [34] The court then interrupted the witness testimony by asking: –

“So, the community is up in arms, is that what you are saying, or the families are up in arms?”

[35] The witness replied that these other people are vigilantes who seem to try and take the law into their own hands. The court then suggested that the accused/Appellant??? Would be in danger if released on bail. The witness then replied “yes”.

[36] He testified that this group came to the home of the Appellant on 19 March 2022 with baseball bats to arrest the Appellant. The police were called but he was not arrested. It later became common cause that on 24 March 2022 these people, some of whom were friendly with the complainants, arrested the Appellant.

[37] Pretorius testified that he never made a statement to the police.

[38] Under cross-examination, he said that he knows the Appellant’s parents. Then the court said:

“The parents that already tried to bribe the complainants to withdraw the case according to the record of the court?”

[39] This information, according to the magistrate, she obtained from the notes made on 19 July 2023 when the matter was postponed. It was recorded that the parents of Appellant offered money to two of the complainants to withdraw the case. The parents were warned not to interfere with the witnesses.

[40] Pretorius testified that he knew nothing about this. He testified that he parted ways only with the one complainant, Ruan Badenhorst, and he continued to walk with the two ladies. At some stage the Appellant was walking with the four of them before Badenhorst went his own way. He emphasised that nothing happened to the complainants.

[41] The court then asked what happened when they split up and the witness said that he stood to speak to Ruan. The court then asked:

“And you left, you do not know what happened between him and Ruan?”

[42] The witness confirmed this.

[43] The Appellant’s father, Mr Hunsley, then testified. He said that people who arrested his son regard themselves to be members of the Community Police

Forum (CPF). They robbed the Appellant of a wheel for a Golf motor vehicle, and they surrounded their house on 19 March 2022 but eventually the police were called. The court then said:

"So, Sir, just one question by the court. So they wanted to come and kill your son. Is, that what you say?"

[44] Mr. Hunsely replied by saying that this is what he was saying.

[45] The court then asked as follows:

"So your son is in danger in the community".

[46] The witness answered:

"Not really Madam."

[47] It was put to the witness by the prosecutor that in the statements of the two so-called CPF members, who arrested the Appellant, they found a firearm in his possession. Mr. Hunsley answered that his son never possessed a firearm but played with a toy gun when he was young. He denied that he tried to bribe the witnesses and testified that he never interacted nor spoke to them.

[48] The court then continued with questions relating to the Appellant's parole and the conviction for which he served the sentence. Mr. Hunsley confirmed that it was for robbery and that a knife was used.

[49] That concluded the evidence for the Appellant and the state then presented no evidence. The prosecutor still maintained, despite what the magistrate placed on record pertaining to the new fact, that he heard no evidence indicating new facts.

[50] Further, a debate then ensued pertaining to the new facts and the court mentioned that the strength of the state's case is now a consideration and a new fact. The magistrate further stated that the fact that the firearm count was withdrawn does not constitute a new fact but that she will consider the bail on new facts on the indictment as it now stood, i.e. that there are three counts of robbery with aggravating circumstances.

[51] On behalf of the Appellant, it was argued that a further new fact was that he was already 21 months in custody awaiting trial. This caused a further debate

between Mr. Badenhorst, appearing for the Appellant, and the magistrate as to who should be blamed for the long delays.

- [52] The court assured Mr. Badenhorst that she was considering that the people who arrested the Appellant were after his blood. She said that she accepted that as a new fact.
- [53] It was argued that there was not a likelihood that the Appellant would endanger the safety of the public, or that he would evade his trial, or would intimidate witnesses.
- [54] It was the case of appellant in the court *a quo*, and before this court, that the strength of the state's case, considering the evidence of Pretorius, was weak. The strength or weakness of the state's case pertaining to the robbery counts, in my view, has crystallised as the main issue which should be considered whether the Appellant has made out a case to be released on bail.
- [55] Before I consider the merits of this appeal, and after having considered the record in this matter in some detail, I need to make the comment that the perception which I gained was that the magistrate, from the inception of these bail proceedings, focussing on aspects which could count against the Appellant being released on bail. For instance, the magistrate's questions to Mr. Hunsley concerning the attack by members of the community on their home on 19 March 2022, was aimed to place on record that the Appellant's life would be in danger should he be released on bail. The magistrate regarded this as a new fact.
- [56] The magistrate in her judgment, now dealing with the bail application based on section 60(11)(a) of the CPA, found as one of the reasons to refuse bail, that it would be in the Appellant's interest to remain in custody as his life will/would be in danger if released on bail.
- [57] This finding, in my view, is a misdirection as the evidence which was led amounted to allegations that the people of the community that attacked the house where appellant resided with his parents, took the law into their own hands. If this is the case, they were acting unlawfully. To refuse bail on the ground that an applicant should remain in custody to protect him against unlawful activities would mean that credence is provided to what was described by the court in *S v Schietekat 1999 (1) SACR 100 at 104h-j as "lynch law"*.

Moreover, the actions of a view people who decided to take the law into their own hands, does not necessarily establish exceptional circumstances pointing to a likelihood that the release of an accused will disturb the public order or undermine the public peace and security. The actions of a few individuals cannot be used as a gauge as to how the community or the public at large would react if an accused was released on bail.

[58] The reason why this bail application no longer resorted under schedule 5 but under schedule 6, is that the Appellant was previously convicted of an offence referred to in schedule 5. This meant that it was required of the Appellant to adduce evidence which will/would satisfy the court that exceptional circumstances existed which in the interests of justice permitted his release.

[59] In *S v Rudolph* 2010 (1) SACR 262 (SCA) the court, having referred to *S v Dlamini* and other cases, concluded that:

"ordinary circumstances present to an exceptional degree may lead to a finding that the release on bail is justified". (at 266 h – i).

[60] In *K v S* 2003 (1) All SA 551 (SCA), the Supreme Court of Appeal stated in paragraph [15] that:

"In the context of section 60(11)(a) of the Act the strength of the state's case has been held to be relevant to the existence of exceptional circumstances: S v Botha en ander 2002 (1) SACR 222 (SCA) at [21], S v Viljoen 2002 (2) SACR 550 (SCA) at para [11]. There is no doubt that the strength (or weakness) must be given similar consideration in determining where the interests of justice lie for the purpose of section 60(11)(b). When the state has either failed to make a case or has relied on one which is so lacking in detail or persuasion that a court hearing a bail application cannot express even a prima facie view as to its strength or weakness, the accused must receive the benefit of the doubt".

[61] As far as the strength of the state's case was concerned, the court found that it is trite that a presumption of innocence operated in favour of an accused applying for bail but that this presumption is not absolute and that the evidence which will be presented pointing to the guilt of the accused person should also be considered.

[62] The court then found that three witnesses identified the Appellant as the robber. There is however no evidence to the effect that three complainants identified the Appellant.

- [63] The evidence of the IO, as to what the witnesses will testify, is not commensurate with the statement of the magistrate. The witnesses' version, as was placed on record, was that they were robbed by an "*unknown coloured male who pointed a knife to them*". The IO read into the record that a firearm was pointed at them and, later, the prosecutor put on record that a knife and a black firearm was used. The IO, and the prosecutor, could only have obtained this information from the statements of the witnesses or from talking directly to them.
- [64] These conflicting versions, either put on record, or contained in Exhibit A, place some question mark over the versions of the complainants. It is indeed so that one of the complainants, Bronwyn Pietersen, was involved in the arrest of the Appellant by members of the community. It was never explained through evidence, or even otherwise, why Ms. Pietersen decided that the Appellant was the "*unknown man*" referred to in the IO's statement. It is indeed so that the witness for the Appellant placed the Appellant on the scene when he alleged that at some stage the Appellant was, on the relevant night, walking with the complainants. From this evidence the inference cannot be drawn that the "*unknown man*" was appellant.
- [65] As previously stated, these discrepancies were not referred to by the magistrate, nor by the prosecutor or the legal representatives of the parties before this court when the appeal was heard.
- [66] What the magistrate was faced with when the bail application was considered on new facts, was evidence from Pretorius that, according to him, the complainants were never robbed. This evidence was presented under oath and the witness was cross-examined. Against this, the evidence placed before the court through the IO on behalf of the state was contradictory, at least of the issue which weapon was produced by the unknown man when the robbery took place. This issue pertaining to the use of a weapon during the robbery was never properly explained by way of any evidence. The fact that the indictment reads that a knife was used does not necessarily mean that that is in line with what the complainants will testify. The question remains why did the prosecutor read into the record that a firearm was used during the robbery?

[67] The magistrate found that the state has a *prima facie* case against the Appellant and therefore a finding cannot be made that the case against the Appellant was weak to the extent that it can be considered as an exceptional circumstance.

[68] In *S v Jonas* 1998 (2) SACR 673 (SEC) it was held that 'exceptional circumstances' are established when an accused can adduce acceptable evidence that the prosecution's case against him is non-existent or subject to serious doubt.

[69] In *S v Matebula* 2010 (1) SACR 55 (SCA) at para [12], the court held as follows:

"[12] But a state case supposed in advance to be frail may nevertheless sustain proof beyond reasonable doubt when put to the test. In order to successfully challenge the merits of such a case in bail proceedings an applicant needs to go further: he must prove on a balance of probabilities that he will be acquitted of the charges [cases referred to not repeated]. That is no mean task, more especially as an innocent person cannot be expected to have insight into matters in which he was involved only on the periphery or perhaps not at all. But the state is not obliged to show its hand in advance, at least not before the time when the contents of the docket must be made available to the defence. Nor is an attack on the prosecution case at all necessary to discharge the onus; the applicant who chooses to follow that route must make his own way and not expect to have it cleared before him. Thus it has been held that until an applicant has set up a prima facie case of the prosecution failing there is no call on the state to rebut its evidence to that effect: S v Viljoen at 561-g."
(my emphasis)

[70] In my view, the evidence of Pretorius set up such a *prima facie* case that the prosecution might fail. The only evidence which was provided *viva voce* and tested under cross-examination was that of Pretorius. He stated that the robbery never took place. It was always the version of the state that the robbery took place when the three complainants were still together. Later when they split up, Pretorius remained with the women complainants, and he said they were not robbed at that stage.

[71] In my view, after the evidence of Pretorius, the state had to rebut such evidence by calling a witness. The IO could have been called to provide more information than what was contained in the statements of the complainants. He could have provided evidence to explain the issue regarding the use of a firearm during the robbery or the state could have called one of the complainants to testify.

- [72] It is trite that a bail application is not the trial, but in circumstances where the Appellant called a witness who stated that the complainants are lying, the state should have rebutted this evidence. Importantly, the magistrate never made a credibility finding against this witness. For purposes of this bail appeal, this court must accept the veracity of the evidence. The evidence may at a trial be rejected depending on consideration of all the evidence but at this stage it is the only evidence before the court which was delivered *viva voce* and which was subjected to cross-examination.
- [73] Accordingly, the court finds that the state's case, considering the evidence currently before court, is weak.
- [74] The strength or weakness of the state's case was not the only basis upon which the magistrate refused bail on new facts and the court will consider these other findings, bearing in mind that the onus remained on the Appellant to adduce evidence that the interests of justice permitted his release on bail.
- [75] The court already dealt with the finding that it is safer for the Appellant to remain in custody. The learned magistrate based the finding on section 60(4)(e) of the CPA which reads:
- "(e) Where in exceptional circumstances there is the likelihood that the release of the accused will disturb the public order or undermine the public peace or security."*
- [76] Subsection (8)(a) provides that one of the factors which could be considered is whether the safety of the accused might be jeopardised by his or her release.
- [77] The events of 19 March 2022 ended in the Appellant not being arrested after the police were called. Nothing further happened on that day. On 24 March 2022, these people came again and then they fired shots at the house of the Appellant and his father. They eventually arrested him after the Appellant was assaulted. He was then taken to the police station. In my view, if these people wanted to kill the Appellant they could have done so, and they would not have taken him to the police station.
- [78] In my view, the ground mentioned by the magistrate for the refusal of bail that the Appellant would be in danger when released on bail or that his release would disturb the public order was not established. The magistrate regarded this as a new fact counting against the Appellant. The evidence in this regard,

which was given by Mr. Hunsley, pursuant to leading questions being asked by the magistrate, failed to support a finding that the public order would be disturbed if appellant is released on bail, or that his release would undermine the public peace and security. There was no reference in evidence of any protests by the community either before or during the bail applications. The only evidence was that some community members acting as so-called “*vigilantes*”, violently arrested the Appellant.

- [79] The magistrate further considered the fact that the Appellant was out on parole when he allegedly committed a very similar offence for which he was previously sentenced to eight years imprisonment. This, in my view, is the most relevant factor in the consideration whether bail should have been granted or not.
- [80] Section 60(4)(a) of the CPA stipulates that the interests of justice will not permit the release from detention of an accused where there is a likelihood that the accused, if released on bail, will endanger the safety of the public, or will commit a schedule 1 offence.
- [81] If this court could find that the state has, through evidence, established a *prima facie* case, meaning that the Appellant again committed a schedule 1 offence then bail would correctly have been refused considering this previous conviction for robbery. But this ground of refusal referred to by the magistrate, should be considered in light of the finding of this court that the case against the Appellant, on the evidence presented at the bail hearing, was weak. Accordingly, the “likelihood” that the Appellant would commit or have committed a further schedule 1 offence has not been established. I should emphasise that the decision on the weakness of the state’s case is solely premised on the evidence currently before court. At trial evidence might very well be led sustaining a conviction on the counts preferred against the appellant.
- [82] The further aspect which the magistrate relied upon was the likelihood that the Appellant could intimidate or influence witnesses. The magistrate placed emphasis on allegations by the complainants that the Appellant’s father tried to influence them not to proceed with the case. These are untested allegations. The only *viva voce* evidence in this regard is the denial of Mr. Hunsley that he contacted or interfered with these witnesses. But even if it can be accepted that

Mr. Hunsley attempted to influence witnesses, it has not been established that the Appellant will do the same. Moreover, the alleged attempt to influence the witnesses came to naught. By keeping the Appellant in custody, it would not prevent his parents from acting according to their own volition. It should be noted that this court cannot find that Pretorius was influenced to support the version of the Appellant. There is no evidence to this effect.

- [83] The allegation in the statement of the IO that the unknown man threatened the complainants during the robbery not to report the robbery to the police should be considered considering the finding that the state's case can at this stage be described as weak. Whether these words were in fact uttered by the Appellants has not, at this stage, been established considered the evidence of Pretorius.
- [84] Lastly, the court concluded that the Appellant may not stand trial. During the bail proceedings the court stated that the possible sentence for the Appellant may be 45 years imprisonment. Considering the allegations against the Appellant, even if the version of the complainants is accepted, then I cannot see how any reasonable court would sentence the Appellant to effectively 45 years imprisonment. Although a court will then be dealing with three separate counts of robbery with aggravating circumstances, certainly a court will consider that these crimes were committed simultaneously, no injuries were sustained by the complainants and would more than likely order substantial portions of the sentences to run concurrently. In my view, through the evidence of Mr. Hunsley and the undisputed personal circumstances of the Appellant placed on record, the Appellant cannot be regarded as a flight risk. The IO confirmed the address of the appellant.
- [85] In my view, the appellant established exceptional circumstances that should have satisfied the court that the interest of justice permitted his release on bail. In my view, the magistrate was wrong in the decision to refuse bail considering the uncontested evidence of Pretorius which casted a serious doubt on the veracity of the state's case. This aspect out-weighed other considerations favouring the refusal of bail.

[86] Accordingly, the magistrate's refusal of bail is set aside, and the following order is made -

1. The Appellant is released on bail in the amount of R5,000.
2. The Appellant, if bail is paid, should appear in the Roodepoort Regional Court on the date determined by the trial court and thereafter on further postponement dates.



R STRYDOM

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

Heard on: 29 April 2024

Delivered on: 03 May 2024

Appearances:

For the Appellant: Adv. R.S. Willis SC and Adv. E. Coleman
(Acting pro bono)

Instructed by: JJ Badenhorst & Associates Attorneys Inc

For the Respondent: Adv. S.K. Mthiyane

Instructed by: The National Prosecuting Authority