



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

Not reportable

Case no: 17/2025

In the matter between

THE STATE

and

TSHEPANG SYLVESTER MOSITOANE

ACCUSED

Neutral citation: *S v Mositoane* (17/2025) [2025] ZAFSHC 302 (15 September 2025)

Coram: Ntshulana AJ

Heard: 12 September 2025

Delivered: 15 September 2025

Summary: Criminal procedure – sentencing – s 51(1) of the Criminal Law Amendment Act 105 of 1997 – substantial and compelling circumstances.

ORDER

- 1 Count 1: the accused is sentenced to imprisonment for life.
 - 2 Count 2: the accused is sentenced to five years imprisonment. The sentence imposed on count 2 is ordered to run concurrently with the sentence imposed on count 1.
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JUDGMENT ON SENTENCE

Ntshulana AJ

Introduction

[1] The accused in this matter is Mr Tshepang Sylvester Mositoane (the accused), 47 years old, who is convicted of a count of murder read with s 51(1) of the Criminal Law Amendment Act 105 of 1997 (Act 105) and one count of attempted murder.

[2] The circumstances of these offences can be described as follows: - The accused and the deceased were lovers and, at times, cohabited. Sometime prior to the events of 2 August 2024, the relationship between the accused and the deceased had turned acrimonious.

[3] On the night of 2 August 2024, this came to a head following an argument which they heard over the phone in the course of which the accused threatened the deceased and demanded money. The deceased was, at the time, in the company of, inter alia, her brother, Mr Tshepo Sebusi (Mr Sebusi), complainant on count 2, and Sophie Sebusi. They decided to phone the police to report the accused's threat, but, after several attempts, could not reach any police official. They then decided to walk to the police station to report the matter.

[4] On the route to the police station, the accused approached them in his motor vehicle at high speed. Mr Sebusi ran to the opposite side of the road, but the accused swerved in his direction and struck him with his car. Thereafter, the accused drove the vehicle toward the deceased. He ran her over four times. As a result, the deceased was seriously injured and later transported to the hospital where she succumbed to her multiple injuries and died the next day.

[5] As regards the circumstances and interests of Mr Mositoane, a pre-sentence report has been obtained and its contents were incorporated into the record of proceedings as Ms Tshwarelo Pitso (Ms Pitso), the probation officer who prepared the report and testified during sentence proceedings. Her report was marked EXH "M". In her report dated 9 September 2025, Ms Pitso, set out the personal circumstances of the accused. She stated that he is the father of four children and was married but is now separated from his wife; that he completed matric or grade 12 and obtained a certificate in mechanic; that before he was arrested, he was employed by Invesco Company for over ten years and earning a salary of R20 000 a month; that the accused has no previous convictions, therefore making him a first offender and that he supports his four children and his mother.

[6] ~~She stated that the accused is not truly remorseful and he has not accepted responsibility of killing his girlfriend, the deceased. It is obvious that he was persisting in the exculpatory version rejected by this court. One must therefore conclude that he is not remorseful.~~

[7] Ms Pitso also dealt with the circumstances of the deceased's family (Motshedisi Sebusi). She noted that the deceased sustained multiple injuries, as documented in the hospital report, which likely resulted in intense physical suffering. The severity of these injuries ultimately led to her succumbing to them and passing away. This physical trauma highlights the grave consequence of the offence on the deceased bodily integrity and overall being. That the family of the deceased is experiencing intense grief and bereavement due to loss of their loved one who was a breadwinner in the family. The pain of losing someone so dear is overwhelming and the family is struggling to come to terms with the new reality. Both her children (daughter and a son) still needed guidance from her as a parent, and her absence has left a significant void in their lives. The deceased was supporting her two children, her brother (complainant in count 2) and nieces and their children.

[8] Both the probation officer's report and victim impact statement EXH "L" records the emotional impact of tragedy to the family of the deceased. Both reports record and conclude that the deceased's family members are struggling with a range of emotions, including anger, guilt, helplessness and self-blame. They further stated that these feelings are overwhelming and may affect their relationship with each other. The emotional pain is deep, and it is clear that the family is in need of support and care to navigate this difficult

time. The financial impact of the loss is also huge and/or substantial. The deceased was the primary breadwinner, and her death has resulted in a significant loss of income for the family. As a result, the family had to make difficult decision, such as transferring the deceased's son and daughter from a private school to a public school due to financial constraints.

[9] The defense counsel, Ms Abrahams, argued that the accused is 47 years old, is gainfully employed and is supporting his four children and other dependents. He is a first offender and the fact that, after the incident, he offered to take the deceased to hospital but his family refused, must be regarded as substantial and compelling circumstances. She further submitted that substantial and compelling circumstances do not need to be exceptional and referred the court to several case law or authorities. The State advocate, Mr Mdazuka, argued that the accused have not shown any substantial and compelling reasons or circumstances to enable this court to deviate from the prescribed minimum sentence applicable.

The legal test and framework

[10] It is required of me to focus on three distinct factors when determining what an appropriate sentence would be. In no particular order of importance, they are the circumstances of the offender; the circumstances attendant upon the crime of which the accused has been found guilty; and, thirdly, the interest the community has in the nature and level of the sentence which is to be imposed. These factors are to be weighed against each other and the court is required to be careful not to over-emphasize any one of them at the expense of any other.

[11] In arriving at an appropriate sentence, it is trite law that the court must balance the accused's personal circumstances, seriousness of these offences and the interests of the society (community). At this stage, the court is required to apply its mind to the question of whether the sentence it imposes is proportional to the offence which the accused person is found guilty of committing.

[12] In doing so, the court is bound by statutory imperatives of s 51(1), read with schedule 2 part 1 of Act 105, which reads as follows:

'Notwithstanding any other law, but subject to subsections (3) and (6), a regional court or a high court shall sentence a person who has been convicted of an offence referred to in part 1 of schedule

2 to imprisonment for life. In this case three accused are convicted of murder in count 1 of the indictment which is the offence referred to in the said section.'

[13] Section 51(3)(a) states that:

'If any court referred to in subsection (1) or (2) is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence than the sentence prescribed in those subsections, it shall enter those circumstances on the record of the proceedings and must thereupon impose such lesser sentence: provided that if a regional court imposes such a lesser sentence in respect of an offence referred to in part 1 of schedule 2, it shall have jurisdiction to impose a term of imprisonment for a period not exceeding 30 years.'

[14] In *S v Thonga*,¹ the court expressed the following sentiment in regard to the purpose and aim of judicial punishment:

'A sentence is only effective when it strikes a fine balance between the interests of society and of the offender. It brings about retribution, but of a balanced nature. It deters moderately, individually as well as collectively or generally. It makes provision for the person and the unique characteristics of the offender, seeking to rehabilitate or at least to improve him.'

[15] It is no easy task to strike that balance. In the instant case, that exercise is further complicated by the fact that the offence of which the accused was found guilty, falls within the ambit of Part 1 of the Second Schedule to Act 105, for which a discretionary minimum sentence of imprisonment for life is prescribed. I may depart from that sentence only if there are truly substantial and compelling reasons which justify the imposition of a lesser penalty than that prescribed. If such circumstances are identified by me, then s 51(3)(a) requires of me to enter them into the record of proceedings. The lawgiver has through this measure plainly intended that, when considering sentence for this offence, emphasis has to be shifted to the objective gravity of this kind of murder and the public's need for effective sanctions against it. That does not mean that other considerations relevant to sentence are to be disregarded.

[16] Factors traditionally taken into account and specifically what is referred to as the traditional triad of factors alluded to earlier, are to be included in the consideration of what an appropriate sentence would be. Ultimately though, if the imposition of the prescribed minimum sentence in any particular case would lead to a discernible injustice, then the

¹ *S v Thonga* 1993 (1) SACR 365 (V) at 369C-D.

Court is given a discretion to pass a sentence that would reflect one more ordinarily given for that sort of offence. Likewise, should it appear that the sentence of imprisonment for life would be disproportional to the circumstances of the case, the interests of the accused and that of society. In observing the guidelines provided by the Supreme Court of Appeal and the Constitutional Court, I am therefore to approach the matter of sentence in the instant case conscious that parliament has ordained imprisonment for life as the sentence that should ordinarily and in the absence of weighty justification be imposed on the accused for the premeditated murder that he had committed. Unless I can find and record that there are truly convincing reasons for departing from that standard sentence, I am obliged to sentence the accused to imprisonment for life. I may not depart from the prescribed minimum sentence lightly or for flimsy reasons.

[17] At the same time, I need to bear in mind that even in cases of serious murders, sentences of life imprisonment need not necessarily be imposed since there are bound to be differences in the degree of their seriousness. If there are compelling and substantial circumstances, the appropriate sentence is within this court's discretion. It is axiomatic that I am to look for substantial and compelling circumstances in this case and not for exceptional circumstances.

[18] As regards the interests of society, one must take note of what was said by Schreiner JA in *R v Karg*:²

'It is not wrong that the natural indignation of interested persons and of the community at large should receive some recognition in the sentences that courts impose, and it is not irrelevant to bear in mind that if sentences for serious crimes are too lenient, the administration of justice may fall into disrepute and injured persons may incline to take the law into their own hands. Naturally, [however] anger should not becloud judgment.'

The interest of the community at large, in having appropriate sentences imposed, lies primarily in the need that offenders should be punished according to their 'just deserts' and that society should feel that they are being protected against crime through measures aimed at the prevention of crime and the deterrence of criminals. This is particularly so with murder, which is an outrageous and prevalent crime in this province. It appears to be on the increase, particularly murders committed with firearms. Note should therefore be

² *R v Karg* 1961(1) SA 236 (AD) at 236A-B.

taken of what was said in *S v Mhlakaza and Another*.³

'Given the current levels of violence and serious crimes in this country, it seems proper that, in sentencing especially such crimes, the emphasis should be on retribution and deterrence (cf Windlesham "*Life Sentences: the Paradox of Indeterminacy*" [1989] *Crim LR* at 244, 251). Retribution may even be decisive (*S v Nkwanyana and Others* 1990 (4) SA 735 (A) at 749C-D).'

[19] Looking at accused's personal circumstances, he has no previous convictions and the court is satisfied that they have lived a clean life or have had no brushes with the law for the past 46 years. The accused has four children born during year 2007, 2018, 2020 and a new child. He was employed by Invesco as a diesel mechanic, earning R20 000 a month, supporting his four children and his mother. He is employed and supporting his children and other dependents.

[20] As to what constitutes a substantial and compelling circumstance, a good starting point is the seminal judgment written by Marais JA in *S v Malgas* on how courts should deal with 'substantial and compelling circumstances'.⁴ The court specifically decided against defining 'substantial and compelling' in greater detail and explained as follows:

'[T]hat [the legislature] has refrained from giving such guidance as was done in Minnesota from whence the concept of "substantial and compelling circumstances" was derived, is significant. It signals that it has deliberately and advisedly left it to the courts to decide in the final analysis whether the circumstances of any particular case call for a departure from the prescribed sentence. In doing so, they are required to regard the prescribed sentences as being *generally appropriate* for crimes of the kind specified and enjoined not to depart from them unless they are satisfied that there is weighty justification for doing so.'⁵

The prescribed sentences should not be departed from lightly or for flimsy reasons. Indeed, the prescribed sentences should be imposed, unless there is 'weighty justification' or 'truly convincing reasons' for a different response. However, if the circumstances of the case call for a departure, the court should not hesitate to do so. Part of the sentencing process is that the court has to consider what an appropriate sentence would have been, in the absence of the prescribed sentences, given all the factors traditionally taken into account when sentencing an offender.

³ *S v Mhlakaza and Another* [1997] ZASCA 7; [1997] 2 All SA 185 (A); 1997 (1) SACR 515 (SCA) at 519C-D.

⁴ *S v Malgas* [2001] ZASCA 30; [2001] 3 All SA 220 (A); 2001 (2) SA 1222 (SCA); 2001 (1) SACR 469 (SCA) (*Malgas*).

⁵ *Ibid* para 18.

[21] The SCA in *Malgas* indicated that the focus of the prescribed sentences is on the 'objective gravity of the offences', without taking into consideration the personal circumstances of the offenders. For this reason, it was necessary to determine whether 'the particular circumstances of the case require a different sentence to be imposed'. These 'circumstances' included 'all factors traditionally taken into account in sentencing. . . none is excluded at the outset from consideration in the sentencing process'. Typically, it will be the cumulative effect of all the factors that will point the court one way or the other. In addition:

' . . . account must be taken of the fact that crime of that particular kind has been singled out for severe punishment and [when departure is required] that the sentence to be imposed in lieu of the prescribed sentence should be assessed paying due regard to the bench mark which the Legislature has provided.'

Ultimately then, when a court is satisfied that the circumstances of the particular case render the prescribed sentence unjust or, as some might prefer to put it, disproportionate to the crime, the criminal and the legitimate needs of society, substantial and compelling circumstances had been established.

[22] Some years later, the Supreme Court of Appeal (per Nugent JA) considered it necessary to revisit the essential aspects of *Malgas* in *S v Vilakazi* (*Vilakazi*).⁶ The Court held that what *Malgas* actually held was that a prescribed sentence 'should ordinarily *and in the absence of weighty justification* be imposed for the listed crimes in the specified circumstances'.⁷ From the outset, the Court, in *Vilakazi*, stressed the importance of proportionality. It did so with particular reference to the judgment of the Constitutional Court in *S v Dodo*,⁸ a judgment that 'reminded us . . . that punishment must always be proportionate to the deserts of the particular offender – no less but also no more – for all human beings "ought to be treated as ends in themselves, never merely as means to an end"'.⁹ It furthermore stressed the 'determinative test' of *Malgas*, which it considered sufficiently important to quote with added emphasis:

'If the sentencing court on consideration of the circumstances of the particular case is satisfied that they render the prescribed sentence unjust in that it would be disproportionate to the crime, the criminal and the needs of society, so that an injustice would be done by imposing that sentence, it

⁶ *S v Vilakazi* [2008] ZASCA 87; [2008] 4 All SA 396 (SCA); 2009 (1) SACR 552 (SCA); 2012 (6) SA 353 (SCA) (*Vilakazi*).

⁷ *Ibid* para 16.

⁸ *S v Dodo* [2001] ZACC 16; 2001 (3) SA 382 (CC); 2001 (5) BCLR 423 (CC); 2001 (1) SACR 594 (CC).

⁹ *Ibid* para 38.

is entitled to impose a lesser sentence.’¹⁰

[23] Clearly then, as stated in *Vilakazi* at para 20, ‘[i]t is enough for the sentence to be departed from that it would be unjust to impose it’. The authority is therefore abundantly clear that, following a finding that substantial and compelling circumstances are present, the sentencing court is ‘at large to impose any sentence which it found appropriate, given the particular circumstances of this case’. However, even when the prescribed sentence is departed from, Act 105 continues to have an impact on sentencing. This effect is explained in the following terms in *S v Abrahams*:¹¹

‘The prescribed sentences the Act contains play a dual role in the sentencing process. . . [E]ven where such factors [compelling a different sentence] are present, the sentences the Act prescribes create a legislative standard that weighs upon the exercise of the sentencing court’s discretion. This entails sentences for the scheduled crimes that are consistently heavier than before.’

[24] In the case of *S v Zinn*,¹² it was said that it is the court’s task to have regard not only to the offender, but also to the offence itself and the interest which society has in the imposition of a suitable sentence. Sentencing must also be directed at addressing the traditional purposes of punishment. Those are deterrence, prevention, retribution and rehabilitation of the accused. It is the unenviable task of this court to achieve the proper balance among these competing factors and ultimately arrive at a sentence that is just. Similarly, in the case of *Samuel v S*,¹³ it was said that ‘any sentence must be individualised and each matter must be dealt with on its own peculiar facts’.

[25] In determining an appropriate sentence, this court is mindful of the fundamental sentencing principles that punishment should fit the accused as well of the crime committed and be blended with a measure of mercy. In addition, the court considered the main purpose of punishment which are deterrence, preventative, reformation and retribution.

[26] In this case, the accused is found guilty of murder which attracts minimum sentence of life imprisonment. This offence is serious and prevalent in our society; therefore, it is in this spirit that the Legislature, in 1997, passed the Criminal Law Amendment Act 105 of

¹⁰ *Vilakazi* para 14; see also *Malgas* para 25.

¹¹ *S v Abrahams* 2002 (1) SACR 116 (SCA) para 25.

¹² *S v Zinn* [1969] 3 All SA 57 (A); 1969 (2) SA 537 (A).

¹³ *Samuels v The State* [2010] ZASCA 113; 2011 (1) SACR 9 (SCA) para 9.

1997. This act was intended to prescribe a variety of mandatory minimum sentences to be imposed by our courts (judiciary) in respect of a wide range of serious and violent crimes which includes the offence the accused is found guilty of committing in this matter.

[27] As a starting point, I am to determine whether there are substantial and compelling circumstances which would justify the imposition of a lesser sentence than that of imprisonment for life. The relevant provision for this matter being s 51(3)(a) which states that:

'If any court referred to in subsection (1) or (2) is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence than the sentence prescribed in those subsections, it shall enter those circumstances on the record of the proceedings and may thereupon impose such lesser sentence.'

[28] In my judgment, I had earlier referred how the accused killed the deceased and I need not repeat it at this stage. I only drew attention to the fact that the accused was unprovoked by the deceased during their telephone conversation. The deceased kept on emphasizing that she will pay the money in instalment. It cannot be said or concluded that she was refusing to pay back the money. The accused overheard that the deceased was preparing to go and report his threat to her to the police station, then planned to stop such a move by intercepting and stopping her on the way at all cost and he did achieve his objective by killing her. Although his plan was not detailed, it was performed or executed with precision.

[29] If one looks to the facts that Sophie was attempting to retrieve or pull the deceased out of the road after being knocked down for the first time but the accused would go and turn his motor vehicle and come and knock her or run over her again for the second, third and fourth time is unthinkable and unconscionable. Even if the accused was provoked, such would not be a defense but mitigating factor. The reason why provocation may lead to a less severe punishment is the fact that a crime committed in anger or rage due to provocation is morally less reprehensible than committed in 'cold blood'.¹⁴ Clearly provocation ought to separate as a ground for mitigation only if there are reasonable grounds for the accused anger. In my view in this case, the accused was never provoked and there were no reasonable grounds for the accused to be angry. The deceased was at

¹⁴ See *S v Mokonto* 1971 (2) SA 319 (A) 326; *S v Van Vuuren* 1983 (1) SA 12 (A); and *S v Mnisi* [2009] ZASCA 17; [2009] 3 All SA 159 (SCA); 2009 (2) SACR 227 (SCA).

home with her family and promised to pay the money in instalments. The accused executed his plan in cold blood and had sufficient time to reflect on his actions as he turned his motor vehicle 15 km on the way to his home and came to stop the deceased not to go and report him at the police station by killing her.

[30] An attack and murder of human being has a major impact to the morale of the community at large. It is a serious and prevalent offence as a result our government has enacted legislation that deals specifically against gender-based violence and ran TV and community programs in trying to prevent gender-based violence. The accused had no regard for the life of the deceased on the day of the incident.

[31] I have considered his personal circumstances and the interest of the community but one cannot ignore the terrible consequences that the accused conduct in murdering the deceased have on her family. They have been deprived of their breadwinner and the court is to guard against leaving an impression that it considers life as being cheap. The sanctity of life must always be emphasized with the sentence that a court imposes.

[32] In *Director of Public Prosecutions, Gauteng v Pistorius (Pistorius)*,¹⁵ Seriti JA said: 'Having perused the judgment on sentence by the court a quo I am of the view that the trial court over emphasized the personal circumstances of the respondent. In *S v Vilakazi* 2009 (1) SACR 552 (SCR) para 58 this court said that "[i]n cases of serious crime the personal circumstances of the offender, by themselves, will necessarily recede into the background". See also *S v RO & Another* 2010 (2) SACR 248 (SCA) para 20 where this court said "[t]o elevate the appellant's personal circumstances above that of society in general and these two child victims in particular would not serve the well-established aims of sentencing, including deterrence and retribution". Based on the above-mentioned cases I am of the view that the court a quo misdirected itself in its assessment of an appropriate sentence.

The court a quo also stated that in its view there was an indication that the respondent was a good candidate for rehabilitation and that the other purposes of punishment although important ought not to play a dominant role in the sentencing process. The court a quo seemed to have given rehabilitation undue weight against the other purposes of punishment being preventative, deterrence and retribution. This court in *S v Swart* 2004 (2) SACR 370 (SCA) para 12 stated the correct legal position as follows:

"[s]erious crimes will usually require that retribution and deterrence should come to the fore and

¹⁵ *Director of Public Prosecutions, Gauteng v Pistorius* [2017] ZASCA 158; 2018 (1) SACR 115 (SCA); [2018] 1 All SA 336 (SCA) para 22-23.

that the rehabilitation of the offender will consequently play a relatively smaller role”.’ (Footnotes omitted.)

[33] As to the issue of remorse, the learned JA in *Pistorius* had the following to say:¹⁶ ‘I find it difficult on the evidence to accept that the respondent is genuinely remorseful. In *S v Matyityi* 2011 (1) SACR 40 (SCA) at para 47 this court held as follows: ‘after all before a court can find that an accused person is genuinely remorseful, it needs to have a proper appreciation of, inter alia, what motivated the accused to commit the deed, what has since provoked his or her change of heart; and whether he or she does indeed have a true appreciation of the consequences of those actions. As stated earlier the respondent has failed to explain why he fired the fatal shots. The respondent failed to take the court fully into his confidence. To my mind the attempt by the respondent to apologise to the deceased’s family does not demonstrate any genuine remorse on his part. He failed to take the court fully in his confidence despite having an opportunity to do so during the second sentencing proceeding. It is clear here from that the respondent is unable to appreciate the gravity of his actions.’ (Footnotes omitted.)

These remarks are the same in the present case. The accused has not shown any remorse and is unable to appreciate the crime he has committed. Accused does not appreciate the gravity of his actions.

[34] The sentence meted out must be proportionate to the offences committed. In *S v Dodo*,¹⁷ Ackerman J stated:

‘To attempt to justify a period of penal incarceration, let alone imprisonment for life as in the present, case, without inquiring into the proportionality between the offence and the period of imprisonment is to ignore if not to deny that which lies at the very heart of human dignity. Human beings are not commodities to which a price can be attached, inherent and infinite worth, they ought to be treated of ends in themselves, never merely of means to an end.’

[35] It is obvious that the killing of the deceased has had far reaching consequences for the deceased family members and children. The court has also considered the victim impact statement (EXH “L”), and heard evidence that the accused assisted deceased and her children before this tragic incident and has given it due weight. I had, moreover, had regard to the evidence and the arguments on sentence delivered by Ms Abrahams and Mr Mduzuka and I thank them for the quality thereof.

¹⁶ Ibid para 21.

¹⁷ *S v Dodo* [2001] ZACC 16; 2001 (3) SA 382 (CC); 2001 (5) BCLR 423 (CC); 2001 (1) SACR 594 (CC) para 38.

[36] Section 51 of Act 105 has limited but not eliminated the courts discretion in imposing sentence in respect of offences referred to in part 1 of schedule 2 or imprisonment for other specified period for offences listed in other parts of schedule 2. In terms of the said section, this court is required to approach the imposition of sentence conscious that the legislature has ordained life imprisonment on the sentence that should ordinarily and in the absence of weight justification to deviate. The accused in this matter elected not to testify during sentence proceedings. In my view, the accused is not the kind of an offender that could be properly monitored and/or change his conduct as to how he relates and treat women. The observation by probation officer Ms Pitso is correct. Quite clearly, a sentence of direct imprisonment is called for, despite the unintended consequences that it would have for his children and other dependents of the accused like his mother.

[37] Having considered carefully the personal circumstances of the accused, evidence of Ms Pitso, victim impact statement, submissions by both counsels and peculiar facts of this case, I found no substantial and compelling circumstances which justify my departure from minimum sentences prescribed by the act. The fact that the accused is a first offender, is gainfully employed, supporting his children and contributing in our economy is not circumstances in his case, which this court can be expected to deviate from prescribed minimum sentence.

[38] In weighing up the triad of factors including the need for mercy, I share the view of the probation officer that the accused, Mr Mositoane, should be sentenced in terms of s 51(1) of Act 105.

[39] The accused is consequently sentenced as follows:

- 1 Count 1: the accused is sentenced to imprisonment for life.
- 2 Count 2: the accused is sentenced to five years imprisonment. The sentence imposed on count 2 is ordered to run concurrently with the sentence imposed on count 1.


X NTSHULANA
ACTING JUDGE OF THE HIGH COURT

Appearances

For the State: S Mdazuka

Instructed by: The Director of Public Prosecutions, Bloemfontein.

For the accused: V Abrahams

Instructed by: Legal Aid South Africa, Bloemfontein.
