



IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED. ✓
DATE: 25/11/2025
SIGNATURE [Redacted Signature]

Case no. A30/2025

In the matter between:

THULANI PETROS DLADLA

Applicant
(Appellant)

and

THE STATE

Respondent
(Respondent)

JUDGMENT

The judgment and order are published and distributed electronically.

PA VAN NIEKERK, AJ

- [1] Applicant applies for the postponement of an appeal that was set down for hearing on 25 November 2025. The appeal is against the conviction of the Applicant on the charges of kidnapping and rape of a minor child in respect of which the Applicant was found guilty on 29 October 2024.
- [2] On 11 December 2024 the Applicant was sentenced to life imprisonment on the rape charge and was sentenced to 5 years' imprisonment in respect of the kidnapping charge. The Applicant was found guilty and sentenced in the Regional Court held at Soshanguve before Magistrate Molwana.
- [3] The postponement of the appeal is applied for on the grounds that the appeal record is incomplete. The ancillary orders sought for by Applicant in the substantive application for a postponement of the appeal serves to achieve the proper reconstruction of the record. It is common cause that the record, as it presently stands, does not reflect the proceedings of a trial-within-a-trial which was held on the 17th of April 2024 and which related to the admissibility of the complaint's witness statement. *Prima facie* it appears that the reasons for the ruling of the court *a quo* on the admissibility of that statement are material for purposes of the adjudication of the appeal.
- [4] From correspondence attached to the application for postponement of the appeal it appears that the Regional Magistrate who presided in the court *a quo* may be reluctant to

facilitate the reconstruction of the record. The primary responsibility to provide a complete record of the proceedings rests on the Presiding Officer.¹

- [5] Correspondence attached to the application confirms that the Director of Public Prosecutions agree that the record should be constructed properly in order for the appeal to be prosecuted.
- [6] In the circumstances it is therefore necessary that the Regional Magistrate who presided in the proceedings in the court *a quo* be ordered to facilitate the reconstruction of the record insofar as the proceedings in relation to the aforesaid trial-within-a-trial is not included in the record.
- [7] I therefore propose the following order:
- [1] The appeal is postponed *sine die*, pending the reconstruction of the record of proceedings;
- [2] The Regional Court Magistrate, Mr Molwana, Soshanguve, is ordered to facilitate the reconstruction of the record within 30 calendar days from date of this order;
- [3] The Regional Magistrate shall ensure the reconstruction/transcribing of all the evidence recorded in the trial-within-a-trial conducted on the 17th April 2024, including the testimony of the witness, closing addresses by both parties and judgment in relation to the admissibility of the statement of the complainant, and forward the reconstructed record to the Registrar of the High Court, Pretoria;
- [4] The Clerk of the Regional Court Magistrate (Mr Molwana) is ordered to report to the Deputy Judge President of the Gauteng Division, Pretoria, by no later than 15

¹ *S v Nkhahle 2021 (1) SACR 336 (FB) para. [15] to [20]*

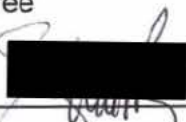
January 2026 on the outcome of the reconstruction of the record, *alternatively* to provide reasons why the record could not be reconstructed and what steps are taken to remedy the absence of a complete record.




PA VAN NIEKERK AJ

ACTING JUDGE OF THE GAUTENG DIVISION, PRETORIA

I agree




S A M BAQWA J