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**REPUBLIC OF SOUTH AFRICA  
IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG**

(1) REPORTABLE: NO	
(2) OF INTEREST TO OTHER JUDGES: NO	
(3) REVISED	
27 MAY 2026	
DATE	SIGNATURE

**CASE NUMBER: SS107/2025**

In the matter between:

**THE STATE**

and

**A[...] C[...]**

**Accused**

**Coram:**

DOSIO J

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**SENTENCE**

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**DOSIO J:**

***Introduction***

[1] The accused has been found guilty of four counts. Count one is a charge of assault with intention to do grievous bodily harm. Count two is a charge of arson. Count three is a

charge of attempted murder. Count four is a charge of murder, read with the provisions of s51(1) of the Criminal Law Amendment Act 105 of 1997 ('Act 105 of 1997').

- [2] For purposes of sentence, this court has taken into consideration the personal circumstances of the accused, the seriousness of the offences for which he has been found guilty and the interests of the community.

### ***Personal circumstances***

- [3] The personal circumstances of the accused are as follows:
- (a) He is 54 years old and has no previous convictions.
  - (b) He is single and was at the time of the commission of the offence in a relationship with the deceased. They had a six-year-old child from this union. The accused has two other children from a previous marriage aged 22 and 23-years-old respectively.
  - (c) He dropped out of school at the age of ten years old and has been self-employed selling wallets, belts and other accessories. He would earn R1500 per day which he used to support his own two children, as well as the six-year-old child and the deceased's sixteen-year-old son, namely L[...].
  - (d) At the age of 13, the accused was involved in an accident where his left eye was damaged. The medication he received for his eye is not available in prison. He is merely given painkillers for this condition. He does receive chronic medication for arthritis.

### ***Seriousness of the offence***

- [4] The accused's legal representative argued that this matter is a crime of passion in that it arose out of a domestic squabble. Furthermore, that the accused did not know the deceased was in a love relationship with someone else, as they were still living together at the time.
- [5] The deceased died as a result of severe burn injuries all over her body. This was a cold-blooded and unnecessary killing. After throwing a container with petrol into G[...]s room, the accused left the scene and never sought any medical assistance for the deceased or G[...]. The room was badly burnt and from the testimony of Raymond Tinosse, both the deceased and G[...] were ablaze from the petrol container that exploded in G[...]s room.

- [6] It is clear that this crime of murder is a gender-based crime. Gender-based violence is widespread in South Africa and has been described as a pandemic.<sup>1</sup> It is noted in the National Strategic Plan on Gender-Based Violence & Femicide that ‘South Africa holds the shameful distinction of being one of the most unsafe places in the world to be a woman. We have amongst the highest rates of intimate partner violence, and recently released data from Statistics SA show that rape and sexual violence have become hyperendemic. This is a scourge that affects us all: young and old, black or white, rich and poor, queer or cis, rural or urban. It pervades every sphere of our society.’<sup>2</sup>
- [7] Due to the critical nature of gender-based violence crimes, judicial officers must approach such matters with extreme sensitivity in order to eradicate these types of crimes. Even when such matters are crimes of passion.
- [8] After fighting with the deceased at Dorah’s tavern, the accused followed her and G[...] to G[...]’s room. After being chased away he stated he would be back. Even though there was this discovery of infidelity, the accused still had time to reflect, as he went to fetch a container with petrol and threw it into the room sometime later that same morning whilst the deceased and G[...] were inside sleeping.
- [9] It is clear the accused wanted to kill both the deceased and G[...] and as stated in the judgment, his actions were premeditated in achieving this purpose. He could not accept the decision of the deceased to end the relationship and he pursued the deceased and G[...] with much anger. It is clear this anger was fuelled by jealousy and in the light of high incidents of gender-based violence, this court cannot empathise with the accused’s actions.
- [10] It is further clear that when he met Mlungisi Bambo that morning, he was in possession of a screwdriver, and he stated to Mlungisi that he would go and finish them off. It is clear there were no signs of remorse on the part of the accused.

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<sup>1</sup> Estelle Ellis “Gender-based violence is South Africa’s second pandemic, says Ramaphosa” found at <https://www.dailymaverick.co.za/article/2020-06-18-gender-based-violence-is-south-africas-second-pandemic-says-ramaphosa/> (accessed 01/11/2024)

<sup>2</sup> Interim Steering Committee “National Strategic Plan On Gender-Based Violence & Femicide” found at <https://www.justice.gov.za/vg/gbv/nsp-gbvfinal-doc-04-05.pdf> (accessed 01/11/2024)

- [11] In the matter of *Maila v S*<sup>3</sup> the Supreme Court of Appeal has cautioned that ‘Courts should, through consistent sentencing of offenders who commit gender-based violence against women and children, not retreat when duty calls to impose appropriate sentences, including prescribed minimum sentences. ... courts should not be seen to resuscitate them by deviating from the prescribed sentences based on personal preferences of what is substantial and compelling and what is not. This will curb, if not ultimately eradicate, gender-based violence against women and children and promote what Thomas Stoddard calls ‘culture shifting change’<sup>4</sup>
- [12] Murder is the most serious of crimes. Not only does it end the life of a loved family member, but it leaves much hardship and pain for the remaining family members.
- [13] The State called the sister of the deceased to come and testify in aggravation of sentence.
- [14] G[...] S[...] testified that apart from the six-year-old child and L [...], the deceased had two other daughters aged 29 and 22-years-old respectively. The 29-year-old child has four kids of her own and the 22-year-old child has one child of her own. L[...] and the six-year-old child now live at the parental home of the deceased’s mother.
- [15] Ms S[...] stated that she, her mother and father are now caring for L[...] and the six-year-old child. They take care of their schooling and nutritional needs. This witness stated that she has been badly affected by the death of her sister in that she cannot sleep. Her mother is also affected in that her sugar levels consistently change as well as her blood pressure. The 29-year-old child of the deceased is also not coping, as she collapsed at work and lost her job, which is all attributable to the deceased’s death. L[...] is also not coping in that after his court appearance he is continually crying and isolating himself in his room. L[...] has stopped gyming and this witness is seriously considering getting psychological help for him. The six-year-old child of the deceased keeps asking if people that die, do they not come back. The 22-year-old child of the deceased is also not coping as a result of her mother’s death.
- [16] Even though the accused heard all the hardship that the family of the deceased is experiencing, he still has shown no remorse for his actions.

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<sup>3</sup> *Maila v S* [2023] ZASCA 3

<sup>4</sup> *Ibid* para 59

- [17] The law as it currently stands provides that the minimum sentence for murder under part 1 of Schedule 2 of Act 105 of 1997 is life imprisonment.<sup>5</sup>
- [18] As regards the attempted murder count, this charge is equally serious in that G[...] sustained burn injuries to 68 percent of his body.
- [19] In respect to the arson charge, this is equally serious in that G[...] suffered financial loss to the amount of R15000-00, in that his possessions were burnt caused by the explosion and fire that ensued.

### ***Interests of the community***

- [20] In respect to the interests of the community, this court has taken note of the fact that the community observes the sentences that courts impose and the community expect that the criminal law be enforced and that offenders be punished. The community must receive some recognition in the sentences the courts impose, otherwise, the community will take the law into their own hands. If a proper sentence is imposed, it may deter others from committing these crimes. Due to the fact that murder of helpless and innocent victims has reached high levels, the community craves the assistance of the courts.
- [21] In *S v Msimanga and Another*,<sup>6</sup> the Appellant Division, as it then was, held that violence in any form is no longer tolerated and our Courts, by imposing heavier sentences, must send out a message both to prospective criminals that their conduct is not to be endured, and to the public that Courts are seriously concerned with the restoration and maintenance of safe living conditions and that the administration of justice must be protected.
- [22] Section 51(3) of Act 105 of 1997 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 these subsections, it shall enter those circumstances on the record of the proceedings and must thereupon impose such lesser sentence.

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<sup>5</sup> Section 51(1) of the Criminal Law Amendment Act 105 of 1997

<sup>6</sup> *S v Msimanga and Another* 2005 (1) SACR 377 (A)

- [23] The accused did not testify in mitigation of sentence. As a result, his lack of remorse is a clear sign of his inability to accept responsibility for his actions and accordingly, also an inability to rehabilitate.
- [24] In the matter of *S v Malgas*,<sup>7</sup> the Supreme Court of Appeal held that:  
'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 is entitled to impose a lesser sentence.'<sup>8</sup>
- [25] Given the scourge of gender-based violence in South Africa, courts must apply the minimum sentence because 'society has a legitimate expectation that apprehensible criminal activities ... should not be left undetected and unpunished. It demands and commands that the courts send out a clear and strong message that such acts of gruesome criminality will not be tolerated and will be dealt with effectively.'<sup>9</sup>
- [26] South Africa holds one of the highest rates of intimate partner violence yet such crimes continue unabated.<sup>10</sup>
- [27] Due to a lack of remorse and due to the aggressive nature of the accused, this court finds no substantial and compelling circumstances to depart from the minimum prescribed sentence of life imprisonment in respect to count four.
- [28] This court hopes the sentence of life imprisonment will send a clear message not only to the accused but to the society in general, that gender-based violence matters will be sentenced harshly. Accordingly, on count four, the accused is sentenced to life imprisonment.
- [29] In respect to count one, the accused is sentenced to three months imprisonment. In respect to count two the accused is sentenced to four years imprisonment. In respect to count three the accused is sentenced to ten years imprisonment.

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<sup>7</sup> *S v Malgas* 2001 (1) SACR 469 SCA

<sup>8</sup> *Ibid* para i

<sup>9</sup> *S v Gregory* [2023] ZAGPJHC 358 at para 19

<sup>10</sup> Interim Steering Committee "National Strategic Plan On Gender-Based Violence & Femicide" found at <https://www.justice.gov.za/vg/gbv/nsp-gbvfinal-doc-04-05.pdf> (accessed 01/11/2024)

- [30] Due to the fact that the accused is sentenced to life imprisonment on count four, the three months imprisonment on count one, the four years imprisonment on count two and the ten years imprisonment imposed on count three will all run concurrently with the sentence of life imprisonment.
- [31] In terms of section 103(1)(g) of the Firearms Control Act 60 of 2000, the accused is declared unfit to possess a firearm.

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D DOSIO  
JUDGE OF THE HIGH COURT  
JOHANNESBURG

**Heard:** 26 May 2026  
**Delivered:** 27 May 2026

APPEARANCES

ON BEHALF OF THE ACCUSED: Mr Ngxumza (for the accused)  
Instructed by Legal Aid SA, Johannesburg

ON BEHALF OF THE STATE: Adv. Barnard  
Instructed by the Office of the National  
Director of Public Prosecutions, Johannesburg