

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case Number: **CC68/2025**

(1)	REPORTABLE: YES / <u>NO</u>
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED: YES/ <u>NO</u>
<u>07/09/2026</u>	
DATE	SIGNATURE 

In the matter between:

NKUNA BONGANI PATRICK

Appellant

vs

THE STATE

Respondent

JUDGMENT

MATLAPENG, AJ

- [1] This is an application for a leave to appeal the sentence which was imposed by this court on the 17 August 2026.

[2] The sentence is assailed on the grounds principally that it induces a sense of shock.

[3] Section 17(1) (9) (i) of the Superior Courts Act 10 of 2013 provides that leave may only be given where the appeal would have had a reasonable prospect of success.

[4] According to the case of *S v Smith* 2012 (1) SACR 567 (SCA) leave should only be granted where there is a reasonable prospect that another court would come to a different conclusion.

[5] According to the case of *S v Malgas* 2001 (1) SACR 467 (SCA) the appeal court can only interfere if:

The trial court misdirected itself or,

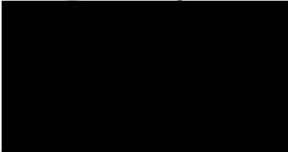
The sentence is shockingly inappropriate or induces a sense of shock or,

The sentence is disparate.

[6] After having listened to the argument by Mr Kgokane for the appellant I am persuaded that another court may interfere with the sentence imposed.

[7] In the result, I made the following order:

1. The application for leave to appeal against sentence is granted to the full bench.



MATLAPENG AJ
ACTING JUDGE OF THE HIGH COURT
PRETORIA

For the Appellant:

Adv Kgokane
instructed by The Legal-Aid South
Africa, Pretoria

For the Respondent:

Adv Masekoameng
instructed by The National Director of
Public Prosecutions