

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: CC10/2025

DATE: 03-08-2026

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: YES / NO
(2) OF INTEREST TO OTHER JUDGES : YES / NO
(3) REVISED

In the matter between

THE STATE

and

MOHOLO VOILE TENTSI

Accused

J U D G M E N T

MATLAPENG, AJ: [1] Mr Moholo Voile Tentsi [spelt] is a 49-year-old South African male. He is charged with the following offenses: [1] Contravention of section 3 read with sections 1, 56(1), 57, 58, 59, 60, and 61 of Act 32 of 2007, also read with sections 92(2), 94, 256, and 261 of the Criminal Procedure Act 51 of 1977, and sections 51(1) of Act 105 of 1997. [2] It is also contravention of section 3

read with section 1, 56(1), 57, 58, 59, 60 and 61 of Act 32 of 2007 also read with section 92(2), 94, 256 and 261 of the Criminal Procedure Act 51 of 1977 and section 51(1) of Act 105 of 1997, rape. [3] Is also of contravention section 3, read with section 1, 56(1), 57, 58, 59, 60, and 61 of 32 of 2007 also read with section 92(2), 94, 256 and 261 of the Criminal Procedure Act 51 of 1997 and section 51(1) of Act 105 of 1997.

Count 1: Rape, in that on or about the period June 2024, at or near Sebokeng in the district of Emfuleni, the accused it unlawfully and intentionally commit an act of sexual penetration with M[...] K[...] T[...], a 13-year-old female without her consent.

Count 2: In that upon or about the period 2023 to February 2024, at or near Sebokeng in the district of Emfuleni, the accused did unlawfully and intentionally commit an act of sexual penetration with N[...] N[...], a 15-year-old female without her consent.

Count 3: In that on her about June 2024 at Sebokeng in the district of Emfuleni, the accused did unlawfully and intentionally commit an act of sexual penetration with B[...] P[...], a 10-year-old female without her consent.

[2] He is represented by Adv Simpson from Legal Aid South Africa. He pleaded not guilty to all the charges preferred against him. Adv Simpson informed the Court that

the accused's plea of not guilty is in accordance with her instructions, and that the accused's plea explanation in terms of section 115 of the Criminal Procedure Act 51 of 1977, hereinafter the CPA, is that of a bare denial. He denies having committed the offenses preferred against him and put the State to the proof thereof. Accused confirmed what was said by Adv Simpson on his behalf.

[3] The court explained the competent verdicts to the accused. It also apprised him of the provisions of section 51(1) of the Criminal Law Amendment Act, 105 of 1977, that the prescribed sentence is life imprisonment, if convicted of the offenses levelled against him. Unless he can satisfy the Court that there are substantial and compelling circumstances, entitling the Court to impose a lesser sentence.

[4] The State applied that the proceedings be held in camera in terms of section 153(3) of the CPA, regarding here to the fact that the accused is alleged to have committed offenses of a sexual nature. Adv Racho for the State also applied that the victims should testify with the assistance of an intermediary and by means of a closed circuit television pursuant to section 158(2), and 170(A) of the CPA. Adv Simpson for the defence did not oppose the applications by the State. The Court ordered that the proceedings be held in camera, and that the victims should

give their evidence through the assistance of an intermediary in terms of section 170(A) of the CPA.

[5] May I interpose to state that I am not going to deal with the evidence of the state witnesses in the order they testified for I do not think that such an approach will be a logical one.

[6] K[...] T[...] testified. Her birth certificate was handed in as EXHIBIT A. She was born on 21 June 2011. It is this witness testimony that she knows the accused, that the latter is having a Salon opposite her parental home situated at Zone 11 Sebokeng and that the accused likes to be in the company of children. It is K[...]’s evidence that one day the accused asked them to accompany him to his place. It is K[...]’s evidence further that she was with M[...] and B[...] when they went to the accused place of abode situated at Kanana, and that she did not know the accused’s place before this particular day. She testified further that upon their arrival at the accused place, the latter sent M[...] and B[...] to go and fetch water a distance from the accused's residential place, and that after they had left, accused had sexual intercourse with her without her consent, and that it occurred in the accused's bedroom. It is this witness evidence further that when M[...] and B[...] returned, accused sent K[...] and M[...] to go and fetch water and he remained with B[...]. It is K[...]’s evidence

that she does not know what happened to B[...]. K[...] testified further that when she arrived with M[...], accused said this witness must now go with B[...] and she remained behind with M[...]. They did as requested. The witness went to fetch water with B[...]. They returned to the accused's house and the accused took them home.

[6] K[...]’s evidence is further that some days after this incident, she was passing the accused’s home in the company of B[...] and other people. The accused called them and said they must accompany him to go and fetch spinach at Zone 11 plots. They went with him. They did not get spinach. Accused said they must go with him to Kwaggastroom train station, which was no more in use, where he does his training or exercises. The train station in question is depicted in a photo album which was handed in as an exhibit and marked EXHIBIT B. It is K[...]’s evidence that whilst they were there, accused said they should go to the top of the station. That whilst at the top of the station, accused undressed her, he also lowered his trouser. He then inserted his penis into her vagina from behind and made back and forth movements. Once he was finished he told her to keep quiet, and thereafter they left for home. He gave each of them a R20 note. That is M[...], K[...] and B[...].

[7] K[...] testified further that on another day, she was

passing the accused's home. Accused had sexual intercourse with her. It is this witness version that on this particular day she does not remember in whose company she was. Evidence of this witness on this incident is sketchy. I am not going to detain myself much on it.

[8] It is K[...]’s evidence that the accused used to send one boy by the name of B[...] to come and call her, and that the former advised her to report the incidents. She testified that she ultimately reported to Mpho, and the latter reported to Paseka[?]. It is K[...]’s evidence that on the first occasion when, she was with M[...] and B[...] at the accused’s place, they cooked and ate chips. She testified further that she did tell B[...] that accused had sexual intercourse with her. She was asked during cross-examination by Adv Simpson for the defence why she went with the accused to go and look for spinach. Her reply was that she did not think that the accused would rape her again. It was put to K[...] by advocate Simpson that accused’s version is that B[...] is her boyfriend and that accused once saw them having sexual intercourse. She disputed this.

[10] B[...] P[...] also testified through the assistance of an intermediary. She was born on 12 April 2014. It is her evidence that she was at the accused’s place of abode situated at Kanana, that she was in the company of K[...]

and M[...], and that whilst there the accused called K[...] into the bedroom. She does not know what happened inside the bedroom. She testified further that some time thereafter K[...] came out and said to her that the accused was calling her. She went into the bedroom. The accused undressed her. He also undressed and put his penis in her vagina. She was on a bed at the time when the accused penetrated her vagina. It is her evidence that she was feeling pains when the accused inserted his penis in her vagina. It is her testimony further that thereafter the accused poured them a Coke and they left for their respective homes. She testified further that they had gone to fetch a swimming pool at the accused place of abode.

[11] C[...] M[...] also testified. It is her evidence that B[...] P[...] is her granddaughter and that she was staying with her at Lakeside since January 2024. Miss M[...] testified that on 20 October 2024, B[...]'s mother called her and after the telephonic discussion. She called B[...] into the bedroom and whilst inside the bedroom she asked B[...] if the accused raped her, to which B[...] nodded with her head and started crying. That concluded her evidence.

[12] M[...] M[...] also testified through the assistance of an intermediary. It is her evidence that she used to cut her hair at the accused's Salon. She testified about the incident that occurred at Kwaggastroom train station. It is

evidence that she was with Bohlale and K[...], as well as the accused. That the accused went to an upper part of the station with K[...]. The witness remained on the stairs with Bohlale. It is M[...]'s testimony that she saw the accused undress K[...] and had sexual intercourse with her. Thereafter, he gave them R20 each. From there, they proceeded home. It is M[...]'s testimony that sometime thereafter, accused said they should go and fetch a swimming pool at this residential place at Kanana, that she was with K[...] and B[...], as well as Karabo. Whilst there, the accused sent Karabo to go and buy a Coke. The accused requested K[...] and B[...] to enter into the bathroom. The witness remained in the kitchen. It is this witness evidence that while she was in the sitting room, the bedroom door was ajar and he saw the accused having sexual intercourse with K[...] and B[...]. It is this witness evidence that thereafter accused gave each of them R20 and he also poured them Coke. They then took the swimming pool and returned to Zone 11. Adv Simpson for the defence asked the witness why does she say that accused and K[...] had sexual intercourse. She replied that she saw them have sexual intercourse. It was put to the witness that Paseka influenced them to lay false charges against the accused. She replied in the negative. In response to a question by the Court this witness replied

that she is doing Grade 11 and that they are taught about sexual intercourse at school.

[14] B[...] N[...] also testified. He was also assisted by an intermediary. B[...]’s evidence is that one Friday in October, Paseka asked him to accompany him to go and buy a bunny chow, and that on their way, Paseka asked him if he does silly things with K[...]. He denied it and said that the person who does silly things with B[...] is the accused. This witness then related to Paseka an incident that occurred at Kwaggastroom train station when he was with K[...] and M[...], and the accused. B[...] corroborated the evidence of K[...] and M[...] in all material respect. B[...] testified further that the following day after the incident at Kwaggastroom train station, the accused called him and requested him to call K[...] because he wanted to do silly things with her. The witness communicated the message to K[...] and the latter said that the accused is mad.

[15] Paseka Maloka, hereinafter Paseka also testified. His evidence is briefly to the effect following. He resides at Zone 11 at Sebokeng. He knows the accused for about 26 years. He is in good times with the accused. The accused is operating a Salon which is situated at his parental home. Paseka is having a car wash in the yard. One Mpho is a shopkeeper, in the same premises. It is Paseka’s evidence that one day he saw children playing in

his yard and as they were playing he saw B[...] attempting to kiss K[...], but that the latter was refusing to be kissed. Not long thereafter, he met B[...] at a corner. He was on his way to the shop. Paseka requested B[...] to accompany him. On their way he asked B[...] if he is doing silly things with K[...] to which B[...] replied that he is not, but that the person who is doing silly things with K[...] is the accused. He then related the incident that occurred between the accused and K[...] at Kwaggastroom. It is Paseka's evidence that he then approached the parents of the victims after this report he got from B[...].

[16] Mpho Rabiri, hereinafter Mpho also gave evidence. Her version is that she is a shopkeeper. The shop is situated in Paseka's premises. It is Mpho's testimony that in October 2024 K[...] came to the shop in the company of two other children, K[...] informed her that the accused is doing silly things with them. When she inquired what she meant by silly things, she started crying. It is Mpho's evidence that not long after K[...] had left, Paseka arrived and she related to him what K[...] had just said to her. Paseka also told her what B[...] had been saying to him about an incident that occurred at Kwaggastroom train station .

[17] Morena Malafane also gave evidence. His evidence is briefly that on the day the accused was

apprehended and assaulted by members of the community, the children mentioned that N[...] was also raped by the accused. The witness and Wanlefu went to N[...]’s place. They returned with her and they asked N[...] if the children are telling the truth and N[...] then started crying. That concluded Morena Malafane's testimony. N[...] N[...] also gave evidence through the assistance of an intermediary. She was born on 24 January 2009. She testified that she resided Sebokeng and that she knows the accused. The latter owns a salon at Zone 11 and she usually cut her hair at the salon. It is her evidence that the accused raped her twice. That on the first instance when she was at the salon, accused closed the salon door, undressed her. He also undressed. He then put his penis in her vagina. It is her testimony that she was bleeding and that after the rape ordeal, accused said to her that she must not report to anybody and that if she can disclose this, he is going to tell the people that he is having a love relationship with her. She testified further that she then proceeded home and locked herself in the bedroom. That she did not report the incident because she was afraid that the father is going to give her a hiding.

[19] It is N[...]’s version that sometime thereafter she was passing the accused’s Salon, the latter called her inside the Salon he undressed the witness, the accused

also undressed, put his penis in her private part and made up and down movements. It is her version that she was also bleeding on this occasion. She testified further that the accused repeated the words that she must not report the incident and if she can tell anybody, he is going to say that they are having an intimate relationship, and as a result, she did not report the incident and she also did not consent to the intercourse on both these instances.

[20] It is her evidence that the accused once asked her to accompany her to his home because his children wanted to see her. It is her testimony that she did accompany the accused to his place of abode, and when they arrived, the accused informed his wife that N[...]s parents are involved in an accident and that she should be accommodated for the night. This witness does not remember the dates of the incidents.

[21] It is N[...]s evidence further that one day whilst at home Paseka and Wonder arrived looking for her father, who was not home at the time. They took her along and when they reached a certain place they asked the witness if she was also raped by the accused. She replied in the affirmative. The police arrived and the accused was arrested.

[22] Samkelisiwe Mmbidi [spelt] also testified. She is a professional nurse at Kopanong Thuthuzela Healthcare

Centre. She has been a nurse since 2010. It is her evidence that she was on duty on 20 October 24 and that she examined M[...] K[...] T[...] and that she completed a medical form J88 which was handed in as an exhibit and marked EXHIBIT D. I interpose to state that K[...] and M[...] will be used interchangeably. It is Ms Mmbidi's testimony that her conclusion after examining K[...], injuries noted on gynaecological examination, are clefts which are old tears at three and 10 o'clock, which are consistent with genitalia penetration. That concluded her evidence.

[23] Gezina Johanna Lategan. Hereinafter Lategan, also gave evidence, she is a registered nurse at Kopanong Healthcare Centre. It is her testimony that she was on duty on 20 October 2024, and that on this particular day she examined N[...] N[...], the victim in count 2. She completed form J88, which was handed in by a consent and marked EXHIBIT E. She noticed a cleft which is consistent with prior penetration, and that concluded her testimony.

[24] Lategan also examined B[...] P[...], the victim in count 3. It is her evidence that on examination there were no injuries, but the absence of injuries does not exclude penetration beyond the labia majora.

[25] Paska Khoza also testified he is a sergeant in the South African police services. It is his evidence that he received a report, as a result of which he

proceeded to a place at Zone 11 where he found the accused and he placed him under arrest and thereafter he took him for medical treatment because he was injured.

[26] The State case was then closed. The accused testified and called his life partner as a witness. He testified that he knows the three victims in this case. He also knows B[...], Paseka, and Mpho. He denies the allegations against him. It is his evidence that Paseka influenced the victims to lay false charges against him. Miriam Thulo also testified. She has children with the accused. Her evidence did not take the defence case any further.

[27] Eugene Ndebele was called in a trial-within-a-trial to determine if Miriam Thulo had indeed made a statement to the police and that he signed it to confirm that it was correctly recorded because the State wanted to use it to cross-examine the witness. He testified that indeed Miriam Thulo made a statement in Sesotho language and that she reduced it to writing in English. Thereafter he read it back to her and the latter was satisfied that it was correctly recorded. She then appended her signature on it. After the State case in trial-within-a-trial was closed, the defence closed its case without calling a witness. The Court ruled that the statement was properly obtained and read back to the witness and that thereafter she appended a

signature, to confirm the correctness of the contents, and that the state was entitled to cross-examine the witness.

[29] Adv Racho thereafter applied for conviction of the accused as charged.

[30] Adv Simpson applied for the discharge of the accused, on the grounds principally that the State did not succeed to prove its case beyond a reasonable doubt against the accused.

The Court must now evaluate the evidence to determine if the guilt of the accused has been proved beyond a reasonable doubt. The onus of proof in a criminal case is discharged by the State if the evidence establishes the guilt of the accused beyond a reasonable doubt. The test was articulated in the case of *S v Van der Meyden* 1999 (1) SACR 447 (W) at 449, where it was stated:

“The proper test is that the accused is bound to be convicted If the evidence establishes his guilt beyond a reasonable doubt, and the logical corollary is that he must be acquitted if it is reasonably possible that he might be innocent.”

See also *S v Ntsele* 1998(2) SACR 178(SCA). It has been pointed out in many judgments of the Supreme Court of Appeal and other high courts that the test is whether there is a reasonable possibility that the accused's evidence may

be true, and if that is the case, he should be given the benefit of the doubt and be acquitted.

[32] The following are common cause: That the accused and the three victims, to wit K[...], N[...] and B[...], know each other well. That the accused has a salon at Zone 11, Sebokeng, and that the victims also resides at Zone 11. That the victims used to cut their hairs at the accused's salon. That the accused and the state witnesses, to wit B[...], Mpho and Paseka know each other well. That the accused's salon is situated at Paseka's residential place. That the accused's residential place is situated at Kanana which is far from where the salon is situated. That the accused, at one stage, owned a portable inflatable swimming pool.

[33] Points in dispute: Accused denies having had sexual intercourse with the three victims in this matter.

[34] The court is dealing with evidence of children. K[...] was 13 years of age when the incident occurred, N[...], 15, and B[...] was 10 years of age. According to N[...], she was alone with the accused when the two incidents occurred inside the accused's salon. She is a single witness. The court must approach her evidence with circumspection.

[35] In terms of section 208 of the Criminal Procedure Act, it is competent for a court to convict on the

evidence of a single witness, however, the evidence must be clear and satisfactory in all material respect. See *Rex v Mokoena* 1932 OPD 79 at 80 and *Rex v Mokoena* 1956 (3) SA 81 (AA) at 85.

[36] In the case of *S v Saul* 1981 (3) SA 172 (A), at 180 (e) to (g), it was held that:

“There is no rule of thumb or formula to apply when it comes to consideration of the single witness. The trial judge will weigh the evidence, will consider its merits and demerits, and having done so, will decide whether it is trustworthy and whether, despite the fact that there are shortcomings or defects, or contradictions in the testimony, he is satisfied that the truth has been told. The cautionary rule referred to by De Villiers JP in 1932 may be a guide to a right decision, but it does not mean that the appeal must succeed if any criticism, however slender, of the witnesses' evidence were well founded. It has been said more than once that the exercise of caution must not be allowed to displace the exercise of common sense.”

[37] In the case of *Woji v Santam Insurance Company (Ltd)* 1981 (1) SA, 1020 (A), at page 1028, the Supreme Court of Appeal stated that to ensure that the evidence of a child can be relied upon, a court must be satisfied that the evidence is trustworthy. The court noted factors which must be taken into account in order to determine if the evidence is trustworthy, and it was held as follows.:

“Trustworthiness depends on factors such as the child's power of observation, his power of recollection, and his power of narration on the specific matter to be testified. In each instance, the capacity of the particular child has to be investigated. His capacity of observation will depend on whether he appears intelligent enough to observe. Whether he has the capacity of recollection will depend again on whether he has sufficient years of discretion to remember what occurs. While the capacity to understand the question put, and to frame and express intelligent answers, there are factors as well which the court will take into account in assessing the child trustworthiness in the witness box.

Does he appear to be honest? Is there a consciousness of the duty to speak the truth? Then also, the nature of the evidence given by the child may be of a simple kind and may relate to a subject matter clearly within the field of its understanding and interest, and the circumstances may be such as practically to exclude the risk arising from suggestibility. At the same time, the danger of believing a child where evidence stands alone must not be underrated.”

See also *Phogole v S* 370/2023, ZASCA 54, judgment delivered on 9 May 2025.

[38] With regard to the complainant's age, the Supreme Court of Appeal held as follows in the case of *ICM v S*, 2022 (ZASCA) 108:

“The court, considering the evidence of a child, must be satisfied that the child is credible, and a reliable witness. The credibility ability relates to honesty and reliability to the child's cognitive ability or brain development. The cognitive ability is assessed having regard to

factors such as ability to encode, retain, retrieve, and recount information, or an event, the intimidating and bewildering atmosphere under which the child testified, and be evaluated in the light of the totality of the evidence.”

[39] In the case of *S v Kubeka* 1982 (1) SA 534 (WLD), it was held that the evidence ought not to be looked at piecemeal and in isolation. All of it should be analysed and weighed together in determining whether the state has proved its case beyond a reasonable doubt.

[40] It has been said, in a number of cases, that the proper approach in a criminal case is to consider the totality of the evidence. That is to say, to examine the nature of the state case, the nature of the defence case, including the defence witnesses, and then ask oneself, at the end of all of this, whether the guilt of the accused has been established beyond a reasonable doubt.

[41] K[...]’s evidence is that at the accused's house she was with M[...] and B[...] and that she does not remember the others and that whilst there the accused called her into the bedroom and had sexual intercourse with her against her will.

[42] The Court observed that K[...], the victim in count 1, is an intelligent young girl, intelligent enough to

observe and has the capacity of recollection. I am saying so because, in response to a question, what she observed in the accused bedroom, she replied that amongst others there were Coca-Cola cans. The accused, whilst in the witness stand, confirmed this portion of K[...]’s evidence, he testified that he collects tins and metals for recycling purposes and that he gets money for this, and that there were tins of Coca-Cola in his bedroom. K[...] could not have seen these Coca-Cola tins in the accused bedroom if she was never inside this bedroom. It is corroborated by the evidence of M[...] as to what happened in the accused bedroom. K[...]’s testimony does not stand alone. It is corroborated by the evidence of M[...] as to what happened in the accused’s bedroom. It is also confirmed by medical evidence.

[43] As regards count 1, the evidence of K[...], M[...] and B[...] is sufficiently corroborative of each other, as to what happened between the accused and K[...], as well as what happened between the accused and B[...].

[44] K[...]’s testimony is that the accused also penetrated her sexually from the back at Kwaggastroom train station, which is inactive. This portion of evidence is corroborated by B[...] and M[...]. These witnesses are also in agreement that after the accused had sexual intercourse with K[...], he gave them R20 each.

They then proceeded home. Paseka's evidence is that when B[...] related the incident that occurred at Kwaggastroom station, he asked B[...] if he saw the accused buttocks and B[...] replied in the affirmative and also said that he also saw the accused's penis.

[45] It was argued by Adv Simpson for the defence that the evidence of K[...], M[...] and B[...] as to what exactly happened at the train station is not in harmony, which is indicative of the fact that their version is a fabrication. For example it was argued that K[...] testified that the accused had instructed M[...] and B[...] to remain on the ground floor of the station, but that B[...] testified that he was on the left hand stairs of the bridge keeping guard when M[...] testified that they were on, she and B[...] were on the right hand side of the stairs.

[46] It has been said, in a number of cases, that not every error or contradiction affects a witness credibility. The court must decide if the deviation is material or peripheral. Contradictions are not viewed in isolation, but as part of the entire body of the evidence presented. See *S v Mkohle* 639/88 ZASCA 98, judgment delivered on 7 September 1989. The ultimate goal is to decide if the state has proven the guilt of the accused beyond a reasonable doubt, despite the shortcomings in the evidence.

[47] The above contradictions complained of are

insignificant and are to be expected from an honest but imperfect recollection, observation and reconstruction of the evidence. They actually militate against a conspiracy between K[...], M[...] and B[...]. The evidence of M[...], B[...] and K[...] is age appropriate and consistent on core facts. Accused lured them with a swimming pool to his place of residence, and warned them not to tell anyone. He gave them money. Discrepancies in the evidence as to the exact dates are expected from children and do not destroy their credibility.

[49] B[...] report to Paseka is admissible as a first report and support consistency. B[...] has no reason to implicate the accused.

[50] I find Paseka to be a neutral witness. He is not related to the victims. He only came to know about these incidents when he asked B[...] if the latter is doing silly things with K[...], and it is worth mentioning that K[...] is the one who reported the incident to Mpho, the shopkeeper. There is therefore absolutely no evidence that Paseka connived, coached, or influenced these children. I also find Mpho to be a neutral witness. She is not related to K[...] and B[...]. Mpho testified that K[...] informed her that the accused is doing silly things to her and when she asked her what she meant about silly things she started crying.

[51] N[...]’s evidence is that she was raped by the

accused twice at his saloon on different occasions. She does not recall the dates, but it was in 2023 and 2024, and on one occasion the accused met her on her way and informed her that she must accompany him to his residential place, and she did accompany the accused to his place of abode.

[52] The evidence of N[...] is that on the two instances that the accused had intercourse with her, he was penetrating her from behind.

[53] K[...]’s testimony is that at the train station, accused penetrated her from behind and this version is also confirmed by B[...] and M[...].

[54] Another important aspect is that after the intercourse with K[...] at the train station, and after the incidents at the accused residential place, the accused gave these children each R20. These aspects demonstrate that the accused was using the same *modus operandi*.

[55] Adv Simpson placed much emphasis on the fact that N[...] did not report that she was raped in 2023 but in 2024 she again goes to the accused’s salon where she was raped for the second time. She argues that this confirms that Paseka influenced the children. I disagree. One incident is alleged to have occurred in 2023 and was not reported in 2023. The offense of rape has no prescription period. Section 59 of the Sexual Offenses Act is specific

that no inference can be drawn from the delay between the commission and the reporting of the rape. Therefore, the delay in reporting the rape could not be decisive in the adjudication of N[...]’s testimony.

[57] Applying the principle in *Saul, Woji and Phogole supra*, I find that N[...], K[...], B[...], M[...], B[...]’s evidence is reliable, trustworthy, and satisfactory in all material respect. Despite their age, they were able to answer all questions frankly and honestly. They are adamant that the accused is the one who raped K[...], N[...] and B[...]. The evidence is supported by medical evidence, and the accused knew each other well before this incident. There is no suggestion that they were at loggerheads. I see no reason why they can falsely incriminate the accused to the commission of the offenses.

[58] The accused’s evidence is not imbued with the desired clarity of precision. It is riddled with improbabilities, inconsistencies, discrepancies, and is devoid of all credence.

[59] The accused is insinuating that the three victims, that is K[...], N[...], B[...], and the other witnesses, to wit, B[...], M[...], Mpho, were influenced by Paseka to lay false charges against him. There is no force in this argument because to do so, all the three victims B[...] and Mpho would have had to conspire with Paseka about what

they would say in court. The victims and Mpho and B[...] gave a detailed and consistent account. I find it difficult to fathom that Paseka managed to coach three separate children, including B[...] and Mpho, to give such detailed and consistent accounts, the detail and consistency in the evidence of these witness disproves this contention

[60] When the trial started, the accused through his Legal representative vehemently denied having given the children any money, but when he was in the witness stand, he changed the tune. He admitted having given the children money for recycling purposes. This is a material contradiction.

[61] According to the accused, his house is situated at Kanana, which is 10 kilometres from Zone 11, Sebokeng, where N[...], the victim in count 2, is staying. N[...] knows the other victims in this matter, that is B[...], K[...], as well as M[...] and B[...]. She also knows Paseka and Mpho. All of them are residing at. Zone 11. It is inconceivable that N[...] would opt to walk a distance of 10 kilometres with the accused to go and put up at the latter place of abode, and did not think of asking for accommodation at any of these witnesses.

[62] Another aspect that raises eyebrows is that according to N[...], accused lied to his wife, he told the latter that N[...] should be accommodated for the night

because her parents were involved in an accident. It is again inconceivable that the accused decided to lie to his partner about this issue, he again lied to his wife, he told the wife that N[...]’s name is Masego. The question that forcefully come to the fore is why did he lie about N[...]’s name. Why did he furnish the wife with this child’s false name? Why did he call her Masego?

[63] There are some contradictions that I have mentioned earlier in the state case, but they are not material and it is worthy to note that where two or more witnesses are involved, like in the present case, contradictions are inevitable. The age of the victims, the time that have lapsed before they came to testify, must be taken into consideration.

[64] The Court had the opportunity to see the victims and the witnesses, they made a good impression to the Court, they answered all questions frankly and honestly, they appeared to be honest and reliable.

[65] There is no indication of any motive the state witnesses may have had to falsely implicate the accused.

[66] The state witnesses delivered an impeccable performance in the witness stand. I have no reason to place any question mark in their evidence.

[67] The cumulative effect of all the facts formed a network so coherent in its texture that the accused could

not break through it. I find that the accused raped K[...] twice, N[...] twice and B[...] once.

[68] It is my considered view that after having analysed and weighed all the evidence presented, that the state have succeeded to prove its case beyond a reasonable doubt.

You may stand up. In the result, I pronounce the following verdict:

Count 1: Rape, guilty as charged.

Count 2: Rape, guilty as charged.

Count 3: Rape, guilty as charged.

ACCUSED FOUND GUILTY ON ALL CHARGES

.....

MATLAPENG, AJ

JUDGE OF THE HIGH COURT

DATE: 03/08/2026

TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that **so far as it is audible to me**, the foregoing is a true and correct transcript of the proceedings recorded by means of a digital recorder in the matter between:

STATE // MOHOLO VOILE TENTSI

CASE NUMBER	: CC10/2025
RECORDED AT	: PRETORIA
DATE HELD	: 03-08-2026
NUMBER OF PAGES	: 28

PROBLEMS EXPERIENCED WITH RECORDING

- Audio typed verbatim. Grammar has not been corrected.
- Names not spelled into the record have been typed phonetically and marked with a [?].
- At some point the audio skipped a few beats and played back very slowly. Same was marked ...[indistinct - audio distorted]

DATE COMPLETED 02-09-2026

TRANSCRIBER
SUZIE IDAS



36 Alkantrant Road, Lynnwood Manor, Block B
Pretoria

Gauteng | 0081

+27 12 426 7377 | +27 83 500 6612

✉: andre.davids1@inlexso.co.za | Website: www.inlexso.co.za