



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 19 September 2014
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

T L Ravele v S

The Supreme Court of Appeal (SCA) upheld the appeal of the appellant, a 20 year old offender, against his conviction on one count of rape read with the provisions of s 51(1) of the Criminal Law Amendment Act (the Act), 105 of 1997 and kidnapping but confirmed the conviction on another count of common law rape. It furthermore upheld the appeal against a sentence of life imprisonment for the rape and substituted it with imprisonment for eight years, taking into account his relative youthfulness and the possibility of rehabilitation. The SCA held that correction and rehabilitation, are in the circumstances, more appropriate and not destruction of the youthful appellant.

Regarding count 1 of rape, the SCA held that, given the serious contradictions in the State's version, the court a quo erred in finding that the appellant's guilt had been proved beyond reasonable doubt and set the conviction aside. Regarding count 3, kidnapping, the SCA held that as the evidence showed conclusively that the complainant was kidnapped solely to facilitate the eventual rape, the conviction on kidnapping amounted to a duplication of convictions and set the conviction aside. With regard to count 2, rape, the SCA found that the State had not proved the circumstances which brought it within the purview of the Act which would justify a sentence of life imprisonment. The SCA found that the appellant was guilty of the common law crime of rape and that in the circumstances a sentence of imprisonment for eight years was appropriate.

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