



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT
OF APPEAL**

FROM: The Registrar, Supreme Court of Appeal
DATE: 10 December 2020
STATUS: Immediate

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

Rugnanan v The State (259/2018) [2020] ZASCA 166 (10 December 2020)

Today, the Supreme Court of Appeal (SCA) dismissed the application for reconsideration of the earlier order dated 29 June 2015 refusing special leave to appeal. The applicant, Mr Anesh Rugnanan, was convicted by the regional court, Madadeni, KwaZulu-Natal, of two counts of rape read with the provisions of s 51 and Schedule 2 of the Criminal Law Amendment Act 105 of 1997. He was also found guilty of assault with intent to do grievous bodily harm and contravention of s 7(A) of the Sexual Offences Act 32 of 2007.

He was effectively sentenced to 14 years' imprisonment. Aggrieved with the conviction, the applicant applied for leave to appeal. The regional court dismissed that application on the basis that it lacked prospects of success in the contemplated appeal. Anesh Rugnanan then petitioned the KwaZulu-Natal High Court, Pietermaritzburg (high court). His petition was dismissed by the high court on the same basis that there were no reasonable prospects of success in the envisaged appeal.

Further aggrieved by this dismissal, the applicant proceeded to approach the SCA for special leave to appeal against the high court's dismissal of his petition, which was also dismissed. He then applied in terms of s 17(2)(f) of the Superior Court Act 10 of 2013 to the President of the SCA for reconsideration of this Court's earlier order. The President referred the application to a panel of five judges. The parties made oral submissions.

The issue for determination before the SCA was whether exceptional circumstances in the context of s 17(2)(f) of the Superior Courts Act 10 of 2013 existed, meriting a further appeal to the SCA.

On appeal, the SCA held that the application must fail in that no exceptional circumstances had been shown to exist meriting a further appeal to it. The SCA found further that in any event the contemplated appeal had no prospects of success. The SCA therefore in dismissing the application for reconsideration endorsed its earlier order which dismissed the application for special leave to appeal.

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