

IN THE HIGH COURT OF SOUTH AFRICA

(BHISHO DIVISION)

CASE NO: CC17/2006

DATE: 22 FEBRUARY 2006

In the matter between:

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THE STATE

versus

SITHEMBILE LUXOLO

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EX TEMPORE JUDGMENT

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EBRAHIM J

The accused has been indicted on a charge of rape in that on or about 17 April 2005 and at or near NU 12, Mdantsane, in the district of Mdantsane, he unlawfully and intentionally had sexual intercourse with an 11 year old girl, namely Siyamthanda Woli. The indictment alleges that this took place without her consent.

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The accused, Mr Sithembile Luxolo, has pleaded guilty to this charge. He is represented by Mrs Collet who has confirmed that the plea is in terms of the instructions that were furnished to her. Mrs Collet also informed the Court that a written statement in terms of section 112(2) of the Criminal Procedure Act, 51 of 1977 has been prepared and was signed by the accused.

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The contents of the statement were read into the record and Mr Luxolo, the accused, confirmed the correctness of the contents of the statement. It is evident from the statement that the accused admits all the elements of the offence.

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I am accordingly satisfied on the basis of his plea of guilty and the

contents of the section 112(2) statement that the accused is indeed guilty of the offence of rape as set out in the indictment.

The accused is accordingly found guilty of the offence of rape.

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Y EBRAHIM

JUDGE : BHISHO HIGH COURT