

**IN THE HIGH COURT OF SOUTH AFRICA (GAUTENG  
DIVISION, PRETORIA)**

**CASE NO: CC161/2015**

**DATE: 03 DECEMBER 2015**

**REPORTABLE  
OF INTEREST TO OTHER JUDGES  
REVISED**

In the matter between:

**THE STATE**

and

**BIGBOY JAN MADISHA**

**JUDGMENT**

**Bagwa J**

***Sentence- Prescribed sentences- Minimum sentences- Imposition of sentence in terms of Criminal Law Amendment Act 105 of 1997- Substantial and compelling circumstances – In circumstances where the accused has committed multiple acts of rape and robbery – Plea of guilty while possibly showing remorse not constituting substantial and compelling circumstances justifying lesser imprisonment – Agreement between State and Defence in terms of section 105A of the Criminal Procedure Act 51 of 1977 as amended.***

## **Summary**

The accused was convicted on 32 counts of rape and robbery involving aggravating circumstances and one count of kidnapping, that would justify a sentence of life imprisonment in terms of section 51 of the Criminal Law Amendment Act 105 of 1997. Aggravating and extenuating circumstances were pleaded before the court by agreement. The defence argued that by virtue of pleading guilty the accused had shown a sign of remorse.

The court held that the accused had committed the crimes charged over a period of time in a systematic manner. He would waylay the victims at taxi or bus ranks, then rape and rob them of their belongings. It became his established **modus operandi**. In spite of his personal circumstances and the possible cumulative effect thereof, they did not amount to substantial and compelling circumstances that would warrant the imposition of a lesser sentence than life imprisonment. The accused was sentenced to life imprisonment on each of the counts of rape.

## **Annotations:**

### **Reported cases**

S v Malgas 2001 (1) SACR 469 (SCA) (2001 (2) SA 1222; [2001] 3 All SA 220) at 470d

S v Matyityi 2011 (1) SACR 40 SCA at p 41

### **Statutes**

The Criminal Law Amendment Act 105 of 1997.

The Criminal Procedure Act 51 of 1977 (as amended).

[1] The accused is Bigboy Jan Madisha, a 36 year old male, a South African citizen residing at [2..Block .., M.. Hostel.]

[2] He is charged with 32 counts of rape and robbery, read with the provisions of section 51 of the Criminal Law Amendment Act 105 of 1997 and one count of kidnapping.

## **Background**

- [3] On 25 September 2007 at about 19h30, Ms [M M M], the complainant in count 3 was waiting for a taxi in Denneboom. She was approached by a man offering to show her where to get a taxi. She walked with the man towards a bridge and they were joined by another man. The two men sexually assaulted her and also robbed her of the items mentioned in the indictment. Forensic tests conducted on the samples taken from Ms M M M matches the DNA profile of the accused.
- [4] On January 2008 at approximately 20h30, Ms R L R, the complainant in counts 4 and 5, was waiting for a taxi at Denneboom. She was approached by an unknown man offering to show her where the taxis are. They walked past a bridge. The man sexually assaulted her and also robbed her of her items. Forensic tests conducted on the samples taken from Ms R L R matches the DNA profile of the accused.
- [5] On 3 January 2009 at about 20h35, Ms K B, the complainant in counts 6 and 7 was waiting for a taxi at Denneboom. An unknown man accosted her and grabbed her by her throat. She was taken to a bridge. She was sexually assaulted and also robbed of the items mentioned in the indictment. Forensic tests conducted on the samples taken from Ms K B matches the DNA profile of the accused.

- [6] On 29 March 2010 in the morning Ms D K, the complainant in counts 8 and 9 left alone from a pub after having spent the night with friends. She alighted from a taxi at Denneboom and proceeded to walk to another taxi rank. A man in front of her enquired where she was going and then slapped her in the face. He kicked her in the face, undressed her and sexually assaulted her. He then robbed her of the items mentioned in the indictment. Forensic tests conducted on the samples taken from Ms D K matches the DNA profile of the accused.
- [7] On 20 December 2010 at about 18h45 Ms Z N, the complainant in counts 10 and 11 was approached by a man who offered to show her where Mamelodi West is. Whilst they were walking another man came to them and grabbed her by her throat. She was blind-folded and forced to undress. The man who came later held her legs whilst the other man was sexually assaulting her. The man who held her legs thereafter also proceeded to rape her. Forensic tests conducted on the samples taken from Ms Z N matches the DNA profile of the accused.
- [8] On 29 April 2011 at about 04h50 Ms D M M, the complainant in counts 12 and 13 was walking in an open veldt in Denneboom on her way to a train station. A man came from behind and grabbed her and pushed her onto the ground. The man searched her and took her cellular phone and money. He forced her to go with him to the other side. He instructed her to undress and then sexually assaulted her. Forensic tests conducted on the samples taken from Ms D M M matches the DNA profile of the accused.

- [9] On 14 September 2011 at about 19h30 Ms S L M, the complainant in counts 14 and 15 alighted from a taxi. An unknown man approached her and demanded her cellular phone. He took her cards from the purse and her cellular phone. He threatened her with a knife. He walked with her towards the railway line. He forced her to take off her trousers and he personally took off her panties. He then sexually assaulted her. Forensic tests conducted on the samples taken from Ms S L M matches the DNA profile of the accused.
- [10] On 2 December 2011 at approximately 21h00, Ms F C P, the complainant in counts 16, 17, 18, 19, 20, 21 and 22 was walking alone on the street at Phomolong. She was accosted by six males. One of the males pointed her with a firearm. She was forced into a car and driven to the bush. Each of the six males took turns in raping her. Forensic tests conducted on the samples taken from Ms F C P matches the DNA profile of the accused.
- [11] On 23 June 2012 at about 20h40 Ms D T, the complainant in count 23 alighted from a taxi at Denneboom. An unknown man offered to take her to where the taxis to Moretele View were. The man throttled her and she passed out. When she regained consciousness she discovered that she was under a bridge and she was naked. She felt pains in her vagina. Forensic tests conducted on the samples taken from Ms D T matches the DNA profile of the accused.

[12] On December 2012 at about 03h00 Ms L M M the complainant in counts 24 and 25 and her boyfriend were from a pub. Whilst walking, they were accosted by a man with a firearm. The man robbed her boyfriend of his cellular phone and instructed him to leave. The man went with her to the yard of a certain house in Moeketsi Street. He forced her to undress and then sexually assaulted her. Forensic tests conducted on the samples taken from Ms L M M matches the DNA profile of the accused.

[13] On 5 April 2013 at about 23h30 Ms T M M, the complainant in counts 26, 27 and 28 was from work and waiting for a taxi to Nelmapius at Denneboom taxi rank. Two men came to her and said they were also going to Nelmapius. The all left together to look for a taxi to Nelmapius. On the way they threatened to stab her with a knife. She was forced to lie down. She was then robbed of the items mentioned in the indictment. Both men undressed her. The men took turns in sexually assaulting her. Forensic tests conducted on the samples taken from Ms T M M matches the DNA profile of the accused.

[14] On 7 April 2013 at about 02h30 Ms T S, the complainant in count 29 and 30 was with three friends coming from a pub. They were accosted by two men carrying bricks. Her friends managed to run away and she was left alone with the two men. She was taken to another street where one of the men sexually assaulted her. When the other man was about to sexually assault her, one of her friends shouted at the perpetrators and they ran away. She was also robbed of her Blackberry cellular phone and cash amounting to R100. Forensic tests conducted on the samples taken from Ms T S matches the DNA profile of the accused.

[15] On 3 December 2013 at about 21h00 Ms N R N, the complainant in counts 31 and 32 was waiting for a taxi at Denneboom. A man approached her and offered to show her a place where she could get a taxi quickly. She followed him and at some stage became suspicious and had wanted to turn. The man produced a knife and threatened to kill her. She followed him until they arrived at a bridge. He robbed her of her cellular phone and cash amounting to R100. He forcefully undressed her and thereafter sexually assaulted her. Forensic tests conducted on the samples taken from Ms N R N matches the DNA profile of the accused.

[16] On 22 February 2014 at about 04h45, Ms S A J J, the complainant in count 33, was walking alone in Sunvalley with the aim of catching a taxi. When she was about to cross a bridge, she was grabbed by a man who had a knife in his possession. The said man forcefully undressed her trousers. He then had sexual intercourse with her without her consent. Forensic tests conducted on the samples taken from Ms S A J J matches the DNA profile of the accused.

[17] With regard to the rape incidents, the accused is linked to the offences by means of DNA profiling.

## **Conviction**

[18] The accused pleaded guilty to all the charges.

[19] The accused was represented by Advocate M. Komape and the State counsel was Advocate C. P. Harmzen assisted by Advocate S. Scheepers.

[20] The parties handed in a plea and sentence agreement in terms of section 105 A of the Criminal Procedure Act 51 of 1977 (as amended).

[21] After making the necessary enquiry in terms of subsections (5) and (6) of section 105 A of Act 51 of 1977, the accused was found guilty as charged.

[22] Because the accused pleaded guilty and handed in exhibit "A" setting out the background to each of the offences, I consider it pertinent to incorporate exhibit "A" as part of this judgment. It reads as follows:

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***PLEA AND SENTENCE AGREEMENT IN TERMS OF SECTION 105A OF  
THE CRIMINAL PROCEDURE ACT, ACT 51 OF 1977 (AS AMENDED)***

**A. INTRODUCTION**

1. *WHEREAS the accused Bigboy Jan Madisha, is standing trial in the High Court of South Africa, North Gauteng Pretoria on the following counts:*

*22 counts of rape in contravention of section 3 of Act 32 of 2007, 10 counts of robbery with aggravating circumstances and one count of kidnapping.*



2. *AND WHEREAS Advocate H E van Jaarsveld, a Deputy Director of Public Prosecutions duly authorised to negotiate and enter plea and sentence agreements in terms of section 105A(1)(a) of Act 51 of 1977 has applied her mind to the relevant requirements of section 105A, ensured compliance therewith and agrees with the terms of the agreement.*
3. *The Prosecutors, Advocate C Harmzen and Advocate S Scheepers, State Advocate, Director of Public Prosecutions, North Gauteng is authorised to attend to the matter in court behalf of the State after the agreement had be duly attended to.*
4. *AND WHEREAS the accused who at all times during the negotiations is represented by Adv Komape :*
  - 4.1 *admits having entered into this agreement freely and voluntarily whilst being in his sound and sober senses and without having been unduly influenced thereto;*
  - 4.2 *acknowledges that he has been made aware that this agreement cannot bind the court not to exercise its discretion to make a specific order or conduct a specific enquiry;*
  - 4.3 *acknowledges that he has been made aware that the court is not obliged to accept this agreement;*
  - 4.4 *admits that before entering into this agreement he was informed by his legal representative of his rights to be presumed innocent until proven guilty beyond reasonable doubt; to remain silent and not to testify during the proceedings; and not to be compelled to give self-incriminating evidence.*

5 *AND WHEREAS the State has duly complied with the requirements of section 105A (1)(b) of Act 51 of 1977, in that:*

5. 1 *the investigating officer, Warrant Officer Mekgwe, was consulted regards the terms of this agreement, including the sentence (Vide : Annexure B);*

5.2 *due regard has been had to the nature and circumstances relating to the offence, the personal circumstances of the accused including any previous convictions and the interests of the community, as would also appear from the admitted facts and circumstances set out in this agreement;*

5.3 *all the complainants have been afforded an opportunity to make representations regarding the contents of this agreement. They are satisfied with the agreement;*

6. *AND WHEREAS the accused is willing to plea guilty in respect of all the charges thereto on the basis set out below, and whereas the State is prepared to accept such plea of guilty.*

7. *NOW THEREFORE the Deputy Director of Public Prosecutions and the accused, represented by Adv Komape, negotiated and agreed to the agreement as set out below :*

8.1 **SUBSTANTIAL FACTS OF THE CASE :**

*The accused admits all the facts as set out in the charge sheet and substantial facts.*

9. **PLEA OF GUILTY AND ADMISSIONS**

*The accused pleads guilty to all counts and admits the following facts :*

9. 1 *That the complainants are the persons mentioned in Count 1-33 of the indictment.*

9.2 *The accused admits that Mamelodi, Watloo and Pretoria are in the district of the honourable court.*

*With regard to counts 1-3 :*

9.3 *The accused admits that he was at Mamelodi on 25 September 2007.*

9.4 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of M M M.*

9.5 *The accused admits that the said M M M was 50 years old at the time.*

9.6 *The accused admits that he did not have consent to have sexual intercourse with M M M.*

9.7 *7 The accused admits that he was aided by an accomplice who also raped M M M.*

9.8 *The accused admits that the property mentioned in count 3 was robbed by them from the complainant without her consent.*

9.9 *The accused admits that aggravating circumstances were present in that the complainant was raped and or assaulted.*

9. 10 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 4-5 :*

9. 11 *The accused admits that he was at Watloo on 11 January 2008.*

9.12 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of R L R.*

9.13 *The accused admits that the said R L R was 23 years old at the time.*

9. 14 *The accused admits that he did not have consent to have sexual intercourse with R L R.*

9. 15 *The accused admits that the property mentioned in count 5 was robbed by him from the complainant without her consent.*

9. 16 *The accused admits that aggravating circumstances were present in that the complainant was raped.*

9.17 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 6-7 :*

9.18 *The accused admits that he was at Mamelodi on 3 January 2009.*

9.19 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of K B.*

9.20 *The accused admits that the said K B was 21 years old at the time.*

9.21 *The accused admits that he did not have consent to have sexual intercourse with K B.*

9. 22 *The accused admits that the property mentioned in count 7 was robbed by him from the complainant without her consent.*

9.23 *The accused admits that aggravating circumstances were present in that the complainant was raped and or assaulted.*

9.24 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 8-9:*

9.25 *The accused admits that he was at Mamelodi on 29 March 2010.*

9.26 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of D K.*

9.27 *The accused admits that the said D K was 19 years old at the time.*

9.28 *The accused admits that he did not have consent to have sexual intercourse with D K.*

9.29 *The accused admits that the property mentioned in count 9 was robbed by him from the complainant without her consent.*

9.30 *The accused admits that aggravating circumstances were present in that the complainant was raped and or assaulted.*

9.31 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

With regard to counts 10-11:

9.32 *The accused admits that he was at Mamelodi on 20 December 2010.*

9.33 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of Z N*

9.34 *The accused admits that the said Z N was 15 years old at the time.*

9.35 *The accused admits that he did not have consent to have sexual intercourse with Z N.*

9.36 *The accused admits that he was aided by an accomplice who also raped Z N.*

9.37 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

With regard to counts 12-13:

9.38 *The accused admits that he was in Mamelodi-West on 29 April 2011.*

9.39 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of D M M.*

9.40 *The accused admits that the said D M M was 45 years old at the time.*

9.41 *The accused admits that he did not have consent to have sexual intercourse with D M M.*

9.42 *The accused admits that the property mentioned in count 13 was robbed by him from the complainant without her consent.*

9.43 *The accused admits that aggravating circumstances were present in that the complainant was raped and or assaulted.*

9.44 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 14-15 :*

9.45 *The accused admits that he was at Mamelodi on 14 September 2011.*

9.46. *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of S L M.*

9.47 *The accused admits that the said S L M was 24 years old at the time.*

9.48 *The accused admits that he did not have consent to have sexual intercourse with S L M.*

9.49 *The accused admits that the property mentioned in count 15 was robbed by him from the complainant without her consent.*

9.50 *The accused admits that aggravating circumstances were present in that the complainant was raped and or a knife was used.*

9.51 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to count 16-22 :*

9.52 *The accused admits that he was at Phomolong, Mamelodi on 2 December 2011.*

9.53 *The accused admits that he and or his co-perpetrators deprived F C P of her freedom of movement by forcing her into a vehicle and taking her to a bush.*

9.54 *The accused admits that he committed acts of sexual penetration by inserting his penis into the vagina of F C P.*

9.55 *The accused admits that the said F C P was 36 years old at the time.*

9.56 *The accused admits that he did not have consent to have sexual intercourse with F C P.*

9.57 *The accused admits that he was aided by five accomplices who also raped F C P.*

9.58 *The accused admits that he committed the acts intentionally, knowing that their actions were wrong and unlawful.*



With regard to count 23 :

9.59 *The accused admits that he was in Watloo on 23 June 2012.*

9.60 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of D T.*

9.61 *The accused admits that the said D T was 19 years old at the time.*

9.62 *The accused admits that he did not have consent to have sexual intercourse with D T.*

9.63 *The accused admits that he committed the act intentionally, knowing that his actions were wrong and unlawful.*

With regard to counts 24-25 :

9.64 *The accused admits that he was at Mamelodi on 9 December 2012.*

9.65 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of L M M.*

9.66 *The accused admits that the said L M M was 17 years old at the time.*

9.67 *The accused admits that he did not have consent to have sexual intercourse with L M M.*

9.68 *The accused admits that the property mentioned in count 25 was robbed by him from the complainant's boyfriend, P T M without his consent.*

9.69 *The accused admits that aggravating circumstances were present in that a firearm was used.*

9. 70 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 26-28 :*

9.71 *The accused admits that he was in Samcor Park, Pretoria on 5 April 2013.*

9. 72 *The accused admits that he committed acts of sexual penetration by inserting his penis into the vagina of T M M.*

9. 73 *The accused admits that the said T M M was 46 years old at the time.*

9. 74 *The accused admits that he did not have consent to have sexual intercourse with T M M.*

9. 75 *The accused admits that he was aided by an accomplice who also raped T M M.*

9. 76 *The accused admits that the property mentioned in count 28 was robbed by them from the complainant without her consent.*

9. 77 *The accused admits that aggravating circumstances were present in that the complainant was raped and or threatened with a knife.*

9.78 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 29-30 :*

9.79 *The accused admits that he was at Mamelodi-West on 7 April 2013.*

9.80 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of T S.*

9.81 *The accused admits that the said T S was 23 years old at the time.*

9.82 *The accused admits that he did not have consent to have sexual intercourse with T S.*

9.83 *The accused admits that he was aided by two accomplices who did not rape the complainant.*

9.84 *The accused admits that the property mentioned in count 30 was robbed by them from the complainant without her consent.*

9.85 *The accused admits that aggravating circumstances were present in that the complainant was raped and or assaulted.*

9.86 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to counts 31-32 :*

9.87 *The accused admits that he was at Mamelodi on 3 December 2013.*

9.88 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of N R N.*

9.89 *The accused admits that the said N R N was 24 years old at the time.*

9.90 *The accused admits that he did not have consent to have sexual intercourse with N R N.*

9.91 *The accused admits that the property mentioned in count 32 was robbed by him from the complainant without her consent.*

9.92 *The accused admits that aggravating circumstances were present in that the complainant was raped and or a knife was used.*

9.93 *The accused admits that he committed the acts intentionally, knowing that his actions were wrong and unlawful.*

*With regard to count 33 :*

9.94 *The accused admits that he was at Sunval/ey, Mamelodi on 22 February 2014.*

9.95 *The accused admits that he committed an act of sexual penetration by inserting his penis into the vagina of S- A J J.*

9.96 *The accused admits that the said S-A J J was 21 years old at the time.*

9.97 *The accused admits that he did not have consent to have sexual intercourse with S-A J J.*

9.98 *The accused admits that he committed the act intentionally, knowing that his actions were wrong and unlawful.*

10. *NOW THEREFORE the accused admits that he is guilty of 22 counts of rape in contravention of section 3 of Act 32 of 2007, 10 counts of robbery with aggravating circumstances and one count of kidnapping."*

## **Sentence**

[23] From the contents of exhibit "A" it is quite evident that there are no substantial and compelling circumstances that can be inferred in the accused's favour.

[24] The offences of which the accused has been convicted were committed against defenceless women who were innocently going about their business.

[25] The parties agreed that the following aggravating circumstances must be taken into account in sentencing the accused:

25.1 The offences are prevalent in the jurisdiction of this court.

25.2 The offences were premeditated, well planned and organised.

25.3 The lives of fourteen women were changed forever.

25.4 The offences were committed over a period of eight years.

[26] In extenuation, the following was disclosed:

26.1 The accused is 37 years of age. He was born on 14 July 1987. He is The third born, first son and has two younger brothers and a sister.

26.2 He passed grade twelve.

26.3 When he was arrested he was employed by a company that manufactures steel walls.

26.4 He is not married but has a stable relationship with his girlfriend who has a child not fathered by him.

26.5 He has two children aged 5 and 9 and was taking care of them as well.  
He no longer has a relationship with their mother.

[27] It has also been submitted that the accused's guilty plea is a sign of remorse.

[28] I have considered the accused's personal circumstances and even weighed the possible cumulative effect thereof, but in my view these do not amount to substantial and compelling circumstances that could persuade me to deviate from the minimum prescribed sentences.

[29] The duration or period of eight years during which the crimes were committed, the methodology applied in their execution, the cruelty meted out during execution all of which were totally insensitive to the physical and emotional trauma not only on the victims but their families speaks to a seriously warped and criminal mind on the part of the accused. The accused can only be described as a serial rapist.

[30] Taking these factors into account, the court in passing sentence has to give effect to both the deterrent and retributive aspects of punishment in the interests of protecting the interests of society.

- [31] In **S v Malgas** 2001 (1) SACR 469 (SCA) (2001 (2) SA 1222; [2001] 3 All SA 220) at 470 d the court held:

*"The specified sentences are not to be departed from lightly and for flimsy reasons. Speculative hypotheses favourable to the offender, undue sympathy, aversion to imprisoning first offenders, personal doubts as to the efficacy of the policy underlying the legislation, and marginal differences in personal circumstances or degrees of participation between co-offenders are to be excluded."*

- [32] The approach to sentencing is further dealt with in the case of **S v Matyityi** 2011 (1) SACR 40 SCA at p 41 where the following is stated:

*"The Constitutional order could not survive if courts fail to properly patrol the boundaries of their own power by showing deference to the legitimate domains of power of the other arms of state. Parliament had ordained minimum sentences for certain specified offences and these were to be imposed unless there were truly convincing reasons for departing from them. Courts were not free to subvert the will of the legislature by resort to vague, ii/-defined concepts such as relative youthfulness or other equally vague and ii/-founded hypotheses that appeared to fit the particular sentencing officer's notion of fairness."*

- [33] From the consistent deviant behaviour over a period of time, the accused is clearly a present danger to society.



[34] Having considered exhibit "A", I have come to the conclusion that the plea and sentence agreement is just. The accused is sentenced as follows:

34.1 The accused is sentenced to life imprisonment with regard to each of the 22 counts of rape, namely counts 1, 2, 4, 6, 8, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 31 and 33.

34.2 The accused is sentenced to ten (10) years imprisonment with regard to each of the 10 counts of robbery, namely counts 3, 5, 7, 9, 13, 15, 25, 28, 30 and 32.

34.3 The accused is sentenced to seven (7) years imprisonment with regard to the kidnapping count, namely count 16.

**S.A.M BAQWA**

**JUDGE OF THE HIGH COURT  
GAUTENG DIVISION, PRETORIA**

Heard on: 3 December 2015

Delivered on: 3 December 2015

For the State: Advocate C. Harmzen  
Advocate S. Scheepers

Instructed by: The State Attorney

For the First Respondent: Advocate M. Komape

Instructed by: Legal Aid