

LESOTHO / JUDGMENT

Rex V Ngoae Kotelo (CRI/T/0108/2024)  
[2025] LSHC 70 (21 March 2025)

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COURT  
High Court

CASE / FILE NUMBER  
CRI/T/0108/2024

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IN THE HIGH COURT OF LESOTHO Held in Maseru In the Matter Between REX AND CRI/  
T/0108/2024 CROWN NGOAE KOTELO ACCUSED Neutral Citation: Rex vs Ngoae Kotelo [2025]  
LSHC 70 CRIM (21 March 2025) CORAM HEARD DELIVERED : : : T. J. MOKOKO J 17/03/25 21/03/25  
SUMMARY Murder – The accused pleaded guilty to two counts of murder – Crown directed to  
lead evidence of Crown Witnesses – Evidence presented disclosed the commission of the offence  
the accused was charged with. The accused was found guilty as charged. ANNOTATIONS Cited  
Cases

1. Lefaso V Rex LAC 1990- 1994 44
2. Letuka v Rex LAC 1995- 1999 405
3. Mohlalisi and Others LAC (1980 – 1984) 110
4. S v C 1996 (2) SACR 181 (C)
5. S v Mafela 1980 (3) SA 825 (A)
6. S v Ngobeni 1992 (1) SACR 628 (C)
7. S v Prins 1990 (1) SACR 426 (A)
8. S v Petrus 1969 (4) SA 85 (A)
9. S v Rubie 1975 (4) S. A 855
10. The State v Obakeng Grious Skhosana Case Number: 20/2017
11. S v WV 2013 SACR 204 GNP Statutes
1. Criminal Procedure and Evidence Act, 1981
2. Penal Code Act of 2010 Articles
1. Crime and Punishment in South Africa 1975

## JUDGMENT

## INTRODUCTION

Count I [1] The accused was charged with contravening section 40 (1) of the Penal Code Act of 2010, read with section 40 (2) thereof. In that upon or about 3rd November 2017, and at or near Qalakheng in the Mohale's Hoek district, the said accused did unlawfully and intentionally kill Nthabiseng Mohale. Count II

- [2] The accused was charged with contravening section 40 (1) of the Penal Code Act of 2010, read with section 40 (2) thereof. In that upon or about 3rd November 2017, and at or near Qalakheng in the Mohale's Hoek district, the said accused did unlawfully and intentionally kill Mphaphathi Potsane.
- [3] The accused pleaded guilty to both Count I and Count II. Advocate R. E Molapo, the defence counsel, confirmed that the pleas were made according to his instructions. The Court then entered a plea of not guilty on behalf of the accused for both counts and instructed the Crown to present evidence. The Crown subsequently presented testimonies from four witnesses. CROWN'S EVIDENCE PW1 - 'Maposholi Mohale
- [4] She testified that she resides at Qalakheng in the Mohale's Hoek district. She knows the accused since he is a co-villager. On 3rd November 2017, she was in her house with Pulane Mohale, Lineo Pheko, Thato Pheko, Nteboheleng Mohale, Mphaphathi Potsane (deceased No. 1), and Nthabiseng Mohale (deceased No. 2) when the accused entered the house.
- [5] The accused approached Mphaphathi and demanded to talk to her. Mphaphathi replied that she was afraid to speak with him because she had already been assaulted. The accused then left for his house but returned shortly after, armed with a knife, which he had opened. [6] Mphaphathi and the accused were in a romantic relationship. The accused grabbed Mphaphathi by her clothing, causing them to flee in fear and raise an alarm. The witness ran to her neighbour's house. While explaining what had happened to her neighbour, the accused was at the door, forcing it open. The accused entered the house and pulled Nthabiseng Mohale by the hand. She saw the accused stabbing Nthabiseng with the knife in the mouth. They ran off from the scene and raised an alarm.
- [7] Later, she returned to the scene of the crime where Mphaphathi lay. The accused lay on top of Mphaphathi and said that he would rather be buried together with her. She observed that Mphaphathi had sustained a stab wound on the chest. PW2- 'Mabolokang Likhetsi
- [8] She testified that she resides at Qalakheng in the Mohale's Hoek district. She knows the accused as they used to work together at Mohale's Hoek market. The accused started working at the market in 2016. On the 3rd November 2017, at around 08:00 pm, she was sitting at her doorstep when she heard someone screaming bitterly from her neighbour's house. As the scream approached, he entered the house and closed the door. She realised the person screaming was PW1. She called PW1 into the house, and PW1 entered the house. She asked PW1 why she was crying. PW1 said the accused had just stabbed Mphaphathi with

the knife.

- [9] Nthabiseng came running and entered the house. As she tried to close the door behind her, the accused approached and entered. He grabbed Nthabiseng by the hand and stated that he did not want to kill her inside the house. The accused then stabbed her with a knife, causing Nthabiseng to fall to the ground. In her attempt to get help, she sent a boy named Moeketsi to Mr. Masupha to ask for assistance. After following Moeketsi to Masupha's house, she returned to find Nthabiseng on the ground, bleeding. The accused stood next to Nthabiseng and declared that anyone who wanted to confront him could come forward. The police eventually arrived and took the bodies away. PW3 - Masupha Posholi
- [10] He testified that he lives at Qalakheng, located in the Mohale's Hoek district. He is familiar with the accused, as they worked together at Mohale's Hoek Market. He first met the accused in 2016 when he began his job at the market. On 3rd November 2017, Moeketsi approached him and asked him to take Nthabiseng to the hospital. He followed Moeketsi to the crime scene, where he found Mphaphathi and realized that she had died. He went into the other house and discovered that Nthabiseng had also passed away. Mphaphathi had a wound on her chest, along with several other injuries on her back. He noticed that Nthabiseng had sustained a chest wound as well. Approaching the accused, he expressed his disappointment. In response, the accused claimed that he had spent his salary on the deceased individuals, but they had wanted boys from Lekhalong to attack him. The police arrived shortly thereafter and took the bodies of the deceased away. PW4 - Salang Lentiti
- [11] He testified that he resides in Qalakheng, in the Mohale's Hoek district. He did not know the accused before that day, as he first saw him at the crime scene. On the 3rd of November 2017, he was at his home when he heard someone screaming for help. He went to the scene of the crime and found the body of a lifeless woman lying on the ground. The accused was holding a knife, moving up and down. He claimed he killed her because the day before, the deceased had wanted boys from Lekhalong to attack him.
- [12] At one point, the accused was holding another woman but eventually released her and returned to the woman lying on the ground. He lay next to her, hugged her, and said, "This one, I am going to be buried with her." Afterwards, he went to the chief's house to report the incident. When he returned, the accused had fled the scene. The police arrived shortly after and took the deceased away.
- [13] The crown read into the record the report of the scene of the crime of Detective Police Constable Seema. He stated that on the 3rd of November 2017, he was on duty when he received a report about the stabbing incident that occurred at Qalakheng. He went to the crime scene with Inspector Kometsi, Police Constable Makhasane, and Makolometse. He encountered the body of Nthabiseng. Upon examination, he observed that the deceased was lying in a pool of blood. She sustained two open stab wounds on the neck, one open stab wound on the right side of the mouth, and one open wound on the left back. About 20 paces away, she encountered the body of Mphaphathi. She observed that the deceased was lying

on the ground facing downward in a pool of blood. She sustained one open wound on the left side of the chest. Eventually, they took the bodies to the mortuary. The report was marked exhibit “A”.

- [14] The report of arrest by Police Constable Nyamane. He stated that on the 3rd November 2017, at around 09:49 pm, the accused surrendered himself to the Police. He introduced himself to the accused, cautioned and warned him, and sought his explanation. He found his explanation unsatisfactory and, therefore, gave him a charge of murder. The accused handed over a press-button brown knife. He seized it as an exhibit. The statement was tendered in and marked exhibit “B”.
- [15] In her statement, Pulane Mohale stated that one evening, she was at her house with Nteboheleng Mohale, Nthabiseng Mohale, Mphaphathi Potsane, Mpheulane Kotelo, and another gentleman whose identity she could not confirm. The accused entered the house and wanted to talk to Mphaphathi. Mphaphathi refused to speak with him. The accused pulled Mphaphathi outside. He took out a knife, and when they reached the door, he stabbed her with the knife on the chest and threw her to the ground. They went out and ran away together with Nthabiseng Mohale to Malesole’s house. They ran into the house, and the accused pushed open the door and entered the house. Then the accused said: “even you, Nthabiseng, I am going to stab you”. The accused pulled Nthabiseng outside, then said: “you are full of shit, and I am going to stab you”. He pulled her to the ground and said: “do you think I am scared of prison,” then stabbed her with a knife. She then ran off and raised an alarm. The statement was tendered in and marked Exhibit “C”.
- [16] The post-mortem report of Nthabiseng Mohale (Deceased No.2). It shows that death was due to cerebro-spinal haemorrhage and chest stab wound (visceral haemorrhage). Remarks are that patient has sustained several cervical and chest laceration with a sharp object. External appearance- dark in complexion lying body in the examination room, 2 cm right jaw open wound, right arteria neck 3cm deep laceration, right 2cm clavicular laceration- 3cm left neck deep laceration- left scapula 4 cm deep laceration. The post-mortem was tendered in marked Exhibit “D”.
- [17] The post-mortem report of Matsepo Molefe (Mphaphathi Potsane). It shows that death was due to internal haemorrhage secondary to a criminal act. External Appearance- stab wound of 3cm on the pre-condyle area eyecia on the intercostal area left. The post-mortem report was tendered in and marked Exhibit “E”.
- [18] The Lesotho Mounted Police Service (LMPS) 12. It shows a brown and silver press button knife. The brown and silver press button knife and LMPS 12 were collectively tendered in and marked exhibit “E”.

- [19] The accused has pleaded guilty to both counts of murder. The issue for this court to determine is whether the evidence presented by the crown demonstrates that the accused committed the offences he is charged with. It is not sufficient for the accused to enter a guilty plea; the court must ensure that the evidence provided by the prosecution clearly shows that the accused committed the crimes in question. ANALYSIS AND DISCUSSION
- [20] PW1 testified that she was with others and the two deceased individuals when the accused entered the house, wanting to speak to Mphaphathi. When Mphaphathi refused to talk to him, the accused left but soon returned, armed with a knife. The accused grabbed Mphaphathi by her clothes and stabbed her with the knife. This evidence demonstrates that the accused approached the crime scene armed with a knife, clearly intending to kill the deceased. Upon entering the house, the knife was already open, indicating the accused was prepared to carry out his plan to attack the deceased. Witness testimony from PW1 confirms that the accused arrived at PW1's house specifically looking for the deceased. At that time, the deceased was sitting with others when the accused came in search of her. The court does not doubt that the accused came to the crime scene with the sole intention of killing the deceased, who had not provoked him in any way to deserve such an assault.
- [21] PW1 stated that after witnessing the attack on Mphaphathi, she ran to the house of her neighbour, and Nthabiseng followed suit. As they were explaining to PW2 what had happened, the accused pushed open the door and entered the house. The accused pulled Nthabiseng by the hand and stabbed her with the knife in the mouth. The evidence indicates that the accused followed PW1 and Nthabiseng to PW2's house, where he attacked Nthabiseng. The accused had intended to kill Nthabiseng, which is why he followed her.
- [22] Upon entering the house, he did not hesitate; he went directly to his victim, grabbed her by the hand, and stabbed her. This evidence demonstrates that the accused had decided to attack Nthabiseng with a knife. At the time of this offence, the accused was a 26-year-old man, making him an adult. He was armed with a dangerous weapon, and it is crucial to point out that the victims were young females. PW1 testified that there was a romantic relationship between Mphaphathi and the accused. While there may have been a misunderstanding between them, nothing can justify the accused's actions, as he attacked defenceless women with a dangerous weapon. They had no way to defend themselves against him.
- [23] The unfortunate reality is that Nthabiseng and others ran away when the accused attacked Mphaphathi. Instead of letting them escape, he pursued Nthabiseng, intending to attack and kill her. It is important to note that when the accused finally caught up with Nthabiseng, he forcefully pulled her outside, stating that he did not want to kill her inside the house. This was not an empty threat; PW2 witnessed the accused dragging the deceased by the hand and stabbing her with a knife. At that moment, the accused fulfilled his intention of killing Nthabiseng, as he had previously expressed his desire to do so.

- [24] I firmly believe that the accused went to PW2's house with the sole intention of killing Nthabiseng. In her statement, Pulane Mohale mentioned that when the accused entered the house, he stated he was going to stab Nthabiseng. As he was attacking her with the knife, he repeatedly said he was not afraid of going to prison. The words and actions of the accused indicated that he was determined to carry out his mission of killing Nthabiseng. Both PW1 and PW2 confirm that the accused pulled the deceased by the hand and then stabbed her with the knife. I have no doubt that he followed Nthabiseng to PW2's house specifically to murder her.
- [25] Post-mortem report concerning Nthabiseng shows that the deceased sustained multiple cervical and chest lacerations. The accused targeted the delicate area of the body to inflict injuries. Not only did he target the delicate area of the body, but he inflicted several wounds on the chest area with the dangerous weapon. His actions indicate that the accused had the necessary intention to kill Nthabiseng. In the same token, the deceased- Mphaphathi sustained a stab wound around the chest area, which is a delicate area of the body. The area on which the injury was inflicted shows that the accused intended the killing of the deceased - Mphaphathi.
- [26] After successfully killing the two deceased individuals, the testimonies of PW1, PW2, and PW4 indicate that the accused arrived at the crime scene where Mphaphathi was lying. He then lay on top of her and stated that he was sure he would be buried with her. The accused's actions suggest that he was pleased with his achievement of killing Mphaphathi. Consequently, he felt he could be joyfully buried alongside her. His behaviour indicates that he did not feel sorry or remorseful for his actions; rather, he was elated that he had fulfilled his intended mission.
- [27] It is, therefore, for this reason that I find that the crown has discharged its onus of proving beyond reasonable doubt that the accused intended the killing of the deceased persons in this matter.
- [28] The accused is, therefore, found guilty of murder in both Count I and Count II. My Assessors Agree. SENTENCING Extenuating Circumstances
- [29] Section 296 (1) of the Criminal Procedure and Evidence Act 1981 provides that: where the High Court convicts a person of murder, it shall state whether in its opinion there are extenuating circumstances and if it is of the opinion that there are such circumstances, it may specify them. Section 296 (2) provides that in deciding whether there are any extenuating circumstances, the High Court shall take into consideration the standards of behaviour of an ordinary person of class of the community to which the accused belongs.
- [30] In the case of Lefaso V Rex1, Schutz P. explained extenuating circumstances as follows: "Extenuating circumstances are such as reduce the moral, if not the legal guilt of the accused. The onus of proving them on a balance of probability rests on the accused".

- [31] In *Letuka v Rex*<sup>2</sup>, Steyn P stated that extenuating circumstances are any facts associated with the commission of the crime, whose effect in the minds of reasonable persons is to reduce the moral blameworthiness of the accused, as distinct from the accused's legal culpability<sup>3</sup>. 1 LAC 1990- 1994 44 2 LAC 1995- 1999 405 3 LAC 1995-1999 at P 405
- [32] The Court of Appeal in the *Letuka* case (supra) stated that there is ample authority for the proposition that the subjective state of mind of the accused is certainly one factor which can be considered in determining whether extenuating circumstances are present. Moreover, it is one that stretches to each and every factor which may throw light on what went on in the accused's mind. See *S v Mafela*<sup>4</sup> and *S v Petrus*<sup>5</sup>.
- [33] The Court of Appeal in the *Letuka* case (supra) remarked further that, each factor may individually have little weight taken cumulatively however, they may well tip the scale in an accused's favour when evaluated against the aggravating features. Factors which can be considered include the following; youth, liquor, emotional conflict, the nature of the motive, provocation, sub-normal intelligence, general background, impulsiveness, a lesser part on the commission of the murder, absence of *dolus directus* (*S v Ngobeni*<sup>6</sup>, *Mohlalisi and Others*<sup>7</sup>), belief in witchcraft, absence of premeditation or planning, heavy confrontation between an accused and the deceased before murder, rage of an accused (See *S v Prins*<sup>8</sup>).
- [34] In the *Letuka* case (supra) Steyn P. stated that: "It is trite that mere presence of one of these features do not axiomatically mean that they are extenuating in relation to the commission of the crime in *casu*. Each factor must be weighed and assessed in the light of the evidence as a whole and its relevance to the conduct and the state of mind of the accused, 4 1980 (3) SA 825 (A) 5 1969 (4) SA 85 (A) 6 1992 (1) SACR 628 (C) 7 LAC (1980 – 1984) 110 at 117 8 1990 (1) SACR 426 (A) as well as cumulatively with any other factor associated with the commission of the offence<sup>9</sup>".
- [35] After careful consideration of the principles enunciated in the cases referred to above, I conclude that the following extenuating circumstances exist in favour of the accused to wit;
- (i) The accused has a rural background as he grew up in Mpharane, a rural area in the Mohale's Hoek district. (ii) The accused studied up to standard 3. (iii) The accused was a herd boy. (iv) The accused was a young man aged 26 years old, thus a youth at the time of the commission of this offence.
- (v) The accused was provoked by the fact that Mphaphathi spent his money on alcohol and had wanted certain boys to attack him. (vi) The accused was provoked that Mphaphathi was having a love affair with another man.
- [36] The court has now come to the most challenging trial stage, passing the appropriate and just sentence to serve the interests of justice. In passing a sentence, this court should consider three main factors: the nature of the offence, the interests of the accused, and the interests of society.

- [37] Coming to the issue of the sentence itself, it is necessary to refer to the remarks of the Court in the case of *S v Rubie*<sup>10</sup>, which properly reflects what is now established law. Therein, the Court stated thus: 9 LAC 1995 – 1999 at P 423 10 1975 (4) S. A 855 at 862 “Punishment should fit the criminal as well as the crime, be fair to society, and be blended with a measure of mercy according to particular circumstances”.
- [38] In addition, it is also crucial for the court to pass a sentence that is not only exemplary to others but also serves as a deterrent to others from committing the same or similar offences<sup>11</sup>.
- [39] On mitigation of sentence Adv. Molapo, the defence counsel, submitted that the accused was the first offender and, therefore, not prone to offending against the law. He added that the accused pleaded guilty, thus saving the court’s valuable time and resources. He submitted that the fact that the accused pleaded guilty was a sign that the accused was remorseful of his actions. He added that the accused did not evade his trial or attempt to fabricate a defence. He submitted that the accused took responsibility for his actions as he did not flee but rather handed himself over to the Police, and he was fully aware of the consequences of his actions. He further submitted that the accused was emotionally depressed by the fact that the deceased- Mphaphathi was having a love affair with another man. He submitted that the accused was a man who worked very hard to make ends meet and was angered by the fact that the deceased- Mphaphathi spent his money on alcohol. The accused is not married but is the father of three children, whom he is currently maintaining. He is a herd man in Umtata in the Republic of South Africa. Adv. Molapo strongly submitted that the accused’s conduct of hugging the deceased body of Mphaphathi and expressing that he would rather be buried with her was a sign of grief and pain and regret and should not be taken as a sign that the accused was content with his actions. He further stated that the accused is not a danger <sup>11</sup> *S v Sondla* 1992 (2) S. A 613 to society. Therefore, he should be allowed to be rehabilitated and reintegrated into society. Lastly, he submitted that the accused and his family took responsibility for the accused’s actions by contributing to the burial of the deceased persons. He added that the accused family bought caskets and animals to be slaughtered for the funerals of the deceased persons. He submitted that this was a sign that the accused and his family were sorry for the accused’s actions and that it was a sign of remorse.
- [40] On aggravation of sentence, Adv. Lepheana, the Crown counsel, submitted that the killing of the deceased was brutal and that how the murders were carried out showed disrespect for human life. She submitted that this a gender-based violence case in which two young ladies were attacked by a man armed with a knife. The victims were attacked because they were physically weak and could not defend themselves against their attacker. The accused did not show remorse as he went up and down after killing the two victims and said anyone who wanted to approach him could do so. She said this was a sign of a man who was proud and pompous of his actions. She submitted that the court should consider the prevalence of killings of women in this country and, therefore, impressed upon the court to impose harsh

sentences on the killers of women. Adv. Lepheana submitted that taking someone's life is a capital offence, and it is even worse when the lives of two young ladies are taken away; therefore, the court should pass a harsh sentence on this accused person so that a strong message can be sent to the potential offenders that killings of women will be met with harsh sentences. She stated that the deceased-Mphaphathi had two young children aged 10 and 8 years old, respectively. The accused deprived these young children of their motherly love and care. She submitted that this court should restore the public confidence in the administration of justice and the criminal justice system by imposing harsh sentences on the perpetrators.

- [41] I agree with the sentiments that were stated in an article: *Crime and Punishment in South Africa 1975*, page 150, where Nicholus stated as follows: "A criminal sentence cannot, in the nature of things, be a matter of precise calculation...There are no scales by which these matters can be measured and there is no relationship which makes it possible to express them in terms of punishment. You must understand that sentencing is an integral part of the punishment system. Its purpose is not so much to please the community as it is to serve the interests of society. The courts exist through the will of the people and are therefore merely instruments by which or through which society exerts punishment on offenders. So, when this court imposes a sentence on you, know that it is the will of the people that is brought to bear on you. Gone are the days when, in exerting punishment on the offender, the victim, or his or the people on his behalf, took the law into their hands".
- [42] I align myself with the remarks made in *The State v Obakeng Grious Skhosana*<sup>12</sup>, that it is commonly accepted that there are many purposes of sentencing. There is firstly, the desire to punish a person who is a wrongdoer who has offended against society and who has caused harm to others. There is secondly, the intention to prevent the wrongdoer from committing such offence again. This is the individual deterrence consideration that the wrongdoer, he or she will be deterred from engaging 12 Case Number: 20/2017 at para [4] page 2 in actions which lead to or are themselves criminal. In the case of certain offences, particularly those thought to be more frequently committed in society and more destructive to society, there is the purpose of sending a message to other persons that they should not engage in this kind of activity on wrongdoing. Fourthly, there is the hope that whatever sentence is imposed can possibly lead to rehabilitation.
- [43] I have considered that the accused is the first offender and that he pleaded guilty to both counts of murder. This is a sign that the accused is remorseful of his actions. I am further mindful that the accused has saved court's valuable time by so pleading guilty. It is sign of remorse and that the accused has taken responsibility for his actions. The fact that the accused contributed to the burial of the two deceased persons is a sign of remorse and taking responsibility for his actions.
- [44] Despite the circumstances, the court must consider all relevant factors, particularly mitigating and aggravating factors. For the purpose of sentencing, I have noted that the two victims were young women. Additionally, I have considered that the accused attacked these

two defenceless women using a dangerous weapon. I have considered that the second victim- Nthabiseng, was brutally killed after fleeing from the first scene of the crime. The accused followed her to PW2's house and attacked her there. I have further considered that the accused pulled the deceased outside and, at the same time, uttered words that he did not want to kill the deceased inside the house. According to the post-mortem report, Nthabiseng sustained several cervical and chest lacerations. The other victim- Mphaphathi sustained a stab wound on the chest.

- [45] This court acknowledges the alarming and brutal killings of women, exemplified by the case at hand, in which young women lost their lives at the hands of a man. Such acts of violence against women are shocking and tragic. Moreover, in most instances, these women leave behind young children who are left to struggle without their mothers. These children not only have to fend for themselves but also face the permanent loss of maternal love and care.
- [46] Men have traditionally been seen as protectors of women and children— whether those women are their wives, mothers, or partners. However, in recent times, some men have become tormentors of women, exploiting the fact that women are often physically weaker and, therefore, easier targets. I firmly believe that the two victims were brutally attacked because they were in a vulnerable position, unable to defend themselves. This court's fundamental constitutional duty is to uphold the right to life, as outlined in Chapter II of the Constitution of Lesotho.
- [47] According to Chapter II of the Constitution of Lesotho, every individual, including you as the accused, is entitled to certain rights. However, you have shown a lack of respect for the victims' right to life. It is important to note that murder is one of the most serious offenses. By wrongfully taking the lives of the two deceased individuals, your actions have profoundly affected their families, relatives, friends and community. They now must cope with the emotional trauma of knowing that their loved ones died violently at the hands of someone who had a romantic relationship with one of the victims.
- [48] Surely, when you shared love with Mphaphathi, she never imagined that one day you would turn against her and attack her in the way you did. I can only imagine Mphaphathi's children's loneliness in her absence, as she left them during their early years when they needed her care and guidance. Your actions have deprived them of her love and support, to say the least. Similarly, the family, relatives, and friends of Nthabiseng surely miss her dearly. Both of these victims were young women in their early twenties, and you have robbed them of their futures at such a young age.
- [49] There are no serious crimes other than those you have been found guilty of. You have taken the lives of two young women, and there is no possibility that any sentence imposed by this court or any court can match the loss of Nthabiseng and Mphaphathi. In *S v C13*, it was held that “society demands protection in the form of heavy and deterrent sentences from the courts against such atrocious crimes”.

- [50] I want to refer to the remarks of Logodi J in the case of S v WV14, when coming to sentence: “It is the kind of sentence which we impose that will drive ordinary members of our society either to have confidence or to lose confidence in the judicial system. The sentences that our court impose when offences of this nature are committed, should strive to ensure that people are not driven to take the law into their own hands, but rather to scare away would-be offenders”.
- [51] I want to express my agreement with the remarks made in the case of S v WV supra that women, as members of society, need protection from their attackers, who are often men, as in this case. To safeguard society, particularly women, it is essential to impose severe sentences. This will send a strong message to perpetrators that crimes, especially the killings of women, will be met with harsh punishment. 13 1996 (2) SACR 181 ( C) 14 2013 SACR 204 GNP
- [52] I acknowledge that society has lost confidence in the judicial and criminal justice systems. It is the responsibility of this court to restore that confidence. One way to achieve this is by imposing strict sentences on offenders. This approach can deter others who may think similarly from committing comparable crimes.
- [53] The appropriate sentence that will serve the interests of justice is the following. ORDER
- Count I
1. The accused is sentenced to forty (40) years imprisonment. Count II.
  1. The accused is sentenced to forty (40) years imprisonment. Both sentences are to run concurrently. DISPOSAL ORDER
  1. In terms of section 56 (1) (c) of the Criminal Procedure and Evidence Act, 1981, Exhibit “E” (Brown and Silver Press Button Knife) is forfeited to the Crown.

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T. J. MOKOKO JUDGE FOR THE CROWN : ADV. T. LEPHEANA FOR THE ACCUSED : ADV. R. E. MOLAPO 22

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