

SOUTH AFRICA / JUDGMENT

Kgwedi and Others S (A898/2013) [2015] ZAGPPHC 995 (6 November 2015)

[2015] ZAGPPHC 995

COURT

North Gauteng High Court, Pretoria

BEFORE

Msimeki, Potterill, Tuchten

CASE / FILE NUMBER

A898/2013

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE HIGH COURT OF SOUTH AFRICA /ES

(GAUTENG DIVISION. PRETORIA)

NOT REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

CASE NUMBER: A898/2013

DATE:6/11/2015

IN THE MATIER BETWEEN

1. ALFRED KGWEDI 1st APPELLANT (Accused I in court a quo)
2. ELLIOT KOMANI 2nd APPELLANT (Accused 2 in court a quo)
3. EDDIE BALOYI 4th APPELLANT (Accused 3 in court a quo)
4. HERMANDO SIBIYA

3rd APPELLANT (Accused 4 in court a quo)

AND

THE STATE

RESPONDENT

CORRECTION : SENTENCE

MSIMEKI. J

[1] The Registrar of the court Ms Beena Bhana on 30 October 2015 brought it to my attention that:

1. The date of sentence should have been antedated to 20 March 1997 instead of 19 March 1997. This is indeed correct.

2. Counts 5 and 6 were not referred to in respect of accused 1 and 2. This is also correct. I thank the Registrar.

[2] The omissions have necessitated the following amendments to the following pantgraph of my judgment which I handed down on 21 October 2015;

1. Paragraph [47] which should now read:

"The court a quo's misdirection on sentence means that the appeal against sentence in respect of counts 1, 3 and 4 should succeed while the sentence in respect of counts 5 and 6 which relate to accused 1 and 2 should be confirmed."

2. Paragraph [48] which should now read:

"[48]1. Having had regard to the triad referred to in *S v Zinn*, supra, and all the factors relevant to sentence I make the following order:

I. Accused 3's appeal against conviction is dismissed.

2. The appeal against the sentences imposed on the four accused by the court a quo in respect of counts I, 3 and

3. The sentences imposed on the four accused by the court a quo in respect of counts 1, 3 and 4 are set aside and replaced with the following sentences:

ACCUSED I

I. COUNT I : MURDER

You are sentenced to 25 years imprisonment.

2. COUNT 3: HOUSEBREAKING WITH THE INTENTION TO ROB AND ROBBERY WITH AGGRAVATING CIRCUMSTANCES

You are sentenced to 10 years imprisonment.

3. COUNT 4: ATTEMPTED MURDER

You are sentenced to 10 years imprisonment.

Effectively you are sentenced to 25 years imprisonment.

ACCUSED 2

You are sentenced to 35 years imprisonment. COUNT 3

You are sentenced to 15 years imprisonment. COUNT 4

You are sentenced to 15 years imprisonment.

Effectively you are sentenced to 35 years imprisonment.

ACCUSED 3

COUNT 1

4. The sentences on counts 5 and 6 in respect of accused 1 and 2 are confirmed.
5. It is ordered that the sentences on counts 3, 4, 5 and 6 in respect of accused 1 and 2 shall run concurrently with the sentence on count 1.
6. It is ordered that the sentences in respect of counts 3 and 4 in respect of accused 3 and 4 shall run concurrently with the sentence on count 1.
7. The sentences are antedated to 20 March 1997.

M W MSIMEKI

JUDGE OF THE GAUTENG DIVISION, PRETORIA

I agree

S POTTERILL

N TUCHTEN

HEARD ON:

FOR THE APPELLANTS: INSTRUCTED BY:

FOR THE RESPONDENT: INSTRUCTED BY:

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPPHC/2015/995.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/kgwedi-and-v-others-s-unknown-topic-agpphc-2015>

Prepared on 11 October 2026 · Esheria