

SOUTH AFRICA / JUDGMENT

Ramphodidi v S (CAP 07/2022) [2025] ZANWHC 33 (3 February 2025)

[2025] ZANWHC 33

COURT

North West High Court, Mafikeng

BEFORE

FMM Reid, JT Djaje

CASE / FILE NUMBER

CAP 07/2022

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

Source record

REPUBLIC

OF SOUTH AFRICA

IN

THE HIGH COURT OF SOUTH AFRICA

NORTH

WEST DIVISION, MAHIKENG

HIGH

COURT REF NO: CAP 07/2022

CASE

NO: RC/3/05/2022

MAGISTRATES

PETITION NUMBER 07/2022

Reportable:

NO

Circulate

to Judges: NO

Circulate

to Magistrates: NO

Circulate

to Regional Magistrates: NO

In

the matter between:-

MOTSEKI

RAMPHODIDI

Petitioner

and

THE

STATE

Respondent

Hanging

down: This judgment is handed down electronically by circulation to the parties through their legal representatives' email addresses.

The date for the hand-down is deemed to be 03

FEBRUARY 2025

ORDER

The

following order is made:

i)

The petition against conviction is dismissed.

ii)

Leave to appeal against sentence is granted on all the charges.

iii)

A copy of this judgment should be brought to the attention of the Provincial Director

of Court Operations for appropriate action in administrative deficiencies.

PETITION

JUDGMENT

REID J

[1] This petition was sent to the High Court from the Magistrate Court Potchefstroom on 12 December 2022. It was received by the Office of the Registrar in the Criminal Section on 13 December

2022. The file was allocated a criminal appeal case number CA73/2022. It was only brought to the office of the Judge President and allocated on 23 January 2025. The explanation from the Office of the Registrar is that the clerks who received the file were under the impression that is a criminal appeal that should be prosecuted. A period of more than 2 years lapsed in the Office of the Registrar, Criminal Section.

[2] There are several judgments from this Division in which the inefficiency in the Office of the Registrar, Criminal Section is addressed. In those judgments, it was recommended that investigations be conducted, and appropriate steps be taken against all those responsible for this display of apathetic conduct. This inefficiency cannot be excused as it fundamentally affects the administration of justice. It is as a result of this lackadaisical approach that individuals' rights are disrespected. Due to the aforementioned conduct, this petition could regrettably only be attended to by me and Djaje DJP on 23 January 2025.

[3] The petitioner was convicted of 3 counts, namely 2 counts of rape and 1 count of contravention of the Immigration Act 13 of 2002 (Immigration Act) in that the petitioner entered and stays illegally in the country.

[4] The petitioner was convicted of offences that are serious of nature. The evidence presented to the court a quo supports the finding of guilt on all the charges. The petition against conviction therefore stands to be dismissed.

[5] In relation to sentencing, the court a quo found that there were substantial and compelling circumstances to deviate from the legislatively prescribed minimum sentences. The court a quo sanctioned the petitioner to 20 years for each count of rape, to be executed consecutively, thus 40 years in total. The court also

cautioned and discharged the petitioner on the conviction of contravention of the Immigration Act, without making any deportation order. These sentences do have a prospect of success on appeal. As such, the petition against all 3 sentences is to be granted.

Order

[6] In the premise, the following order is made:

i) The petition against the convictions is dismissed.

ii) Leave to appeal against the sentences is granted.

iii) A copy of this judgment should be brought to the attention of the Provincial Director of Court Operations for appropriate action against the responsible personnel in the Office of the Registrar, Criminal Section.

FMM REID

JUDGE OF THE HIGH COURT

NORTH WEST DIVISION

I agree

JT DJAJE

DEPUTY JUDGE PRESIDENT OF THE HIGH COURT

DATE RECEIVED: 23 JANUARY 2025

DELIVERED: 3 FEBRUARY 2025

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/ZANWHC/2025/33.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/ramphodidi-v-s-unknown-topic-anwhc-2025--6a3ea5183b1caa912980f3c2>

Prepared on 10 October 2026 · Esheria