

SOUTH AFRICA / JUDGMENT

S v Mantshongo (CC 53/2022) [2023] ZAECKMKHC 7 (19 January 2023)

[2023] ZAECKMKHC 7

COURT

Eastern Cape High Court, Makhanda

BEFORE

T Malusi

CASE / FILE NUMBER

CC 53/2022

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IN

THE HIGH COURT OF SOUTH AFRICA

(EASTERN

CAPE LOCAL DIVISION – MAKHANDA)

Case

No: CC 53/2022

In

the matter between:

THE
STATE
and
XOLISANI
MANTSHONGO
Accused

JUDGMENT

MALUSI J:

- [1] The accused, a 25-year-old male person, is charged with four (4) counts of rape in contravention of s3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007 and a single count of robbery with aggravating circumstances.
- [2] The accused tendered a guilty plea to all the charges. His legal representative, Mr Sojada, read into the record a statement in terms of s112(2) of the Criminal Procedure Act 51 of 1977.

- [3] The accused admitted he accosted each of the complainants on the various dates specified in the indictment at or near the Golf Course, Fort Beaufort following the same modus operandi. The area is isolated and was deserted on each of the four (4) occasions.
- [4] He admitted that he attacked each of the complainants and brandished a knife, except in count 3 where he strangled the complainant. After overpowering the respective complainant, he proceeded to rape each one once. He would thereafter flee the crime scene. He admitted the truth of all the allegations in each count in the indictment.
- [5] In count 4 he admitted that he robbed the complainant of her property specified in the indictment whilst wielding a knife before raping her. I am satisfied that the use of the knife qualifies as an aggravating circumstance in the robbery.
- [6] The accused admits that he knew his actions were wrongful and unlawful. He further admits that none of the complainants consented to engage in sexual intercourse with him. I am satisfied that he acted with the requisite intent on all the counts.
- [7] In the circumstances I am satisfied that the accused has admitted all the elements in each count.
- [8] He is accordingly found guilty as charged.

T MALUSI

Judge of the High Court

Appearances:

For the State: Mr Soga instructed by

Director of Public Prosecutions

GRAHAMSTOWN

For the Accused: Mr Sojada instructed by

Legal Aid Board

Heard on: 18 & 19 January 2023

Delivered on: 19 January 2023

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