



**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
GRAHAMSTOWN

Heard on: 18 & 19 January 2023

Delivered on: 19 January 2023