

Media Statement



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TO: ALL MEDIA

DATE: 16 NOVEMBER 2015

RE: PHOLA PARK TAVERN ROBBERS SENTENCED

The Johannesburg High court sentenced Siyabulela Nelson Ngombane to 15 years in prison on Wednesday, 11 November 2015 for robbery with aggravating circumstances and 5 years for attempted murder. The sentences were ordered to run concurrently and therefore the accused will serve 15 years in prison. The court further acquitted the accused on the charge of possession of unlicensed firearm and ammunition.

The court heard how on the night of the robbery, the accused and his friend entered the house of the complainant which is also a business premise where she runs a tavern with her husband. Armed with guns, the accused demanded money. When the complainants resisted, his companion shot at the husband of the complainant but missed him. Complainants then gave out the money (R3200) which was stored under the bed.

The main issue to be considered was the identity of the perpetrators. The companion, Buhle Gumbi Sabisa pleaded guilty and was sentenced separately to 25 years imprisonment as the court found that he was the one who fired the shot during the commission of the offence. Ngombane alleged that the complainant and her husband had pointed out a wrong person, so identity was the main issue to be decided.

The state managed to prove that the correct accused was pointed as the two complainants knew the accused for about twelve years. The accused was also a neighbour and a frequent visitor (customer) to their tavern, facts which the accused could not dispute. The court also established that there was sufficient light which placed the complainants in a better position to recognise the accused.

State Prosecutor, Monde Mbaqa argued that the complainants suffered losses as the money was never recovered and that the principle from the doctrine of common purpose should apply as the accused and his companion shared a common goal of robbing the

complainants. He further stated that the state managed to meet the pre-requisites of the doctrine of common purpose, which are amongst others, that the accused was present at the scene of the robbery, was aware of the attack on the complaints, acted in common cause with the perpetrator of the attack and performed some act of association with the conduct of the perpetrator. He pleaded with the court to take into account the fact that though the accused grew up in front of the complainants, he still continued to rob them, having total disregard of their right to feel safe and protected or that they will report the crime and has shown no remorse for his actions.

Gauteng is plagued by business and house robberies and there is a need for law enforcement authorities to arrest this situation by ensuring that the minimum prescribed sentence of 15 years is met in cases of this nature so that society will have confidence in the justice system.

The NPA remain committed to delivering justice so that people can live free from fear and feel safe.

Kind Regards,

Hurbetin Phindi Louw

Regional Spokesperson: DPP South Gauteng

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