



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 20 June 2024

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Moodley and Another v The State (475/2023) [2024] ZASCA 102 (20 June 2024)

Today the Supreme Court of Appeal (SCA) handed down judgment dismissing appeal, against the decision of the Gauteng Division of the High Court, Johannesburg (the high court).

The matter involved Dinesh Moodley and Ugresen Perumal who were convicted of murder and sentenced to 25 years in prison on 6 September 2019 by the Gauteng Division of the High Court, Johannesburg (the high court and trial court). The conviction was based on eyewitness testimony that identified the appellants as the shooters who killed Avinash Manjanu. The appellants appealed the conviction, arguing that the identification evidence was unreliable and that they were not present at the scene of the crime.

The main issue on appeal was whether the State proved the identity of the assailants beyond a reasonable doubt, particularly in light of the witnesses' prior knowledge of the appellants.

The appellants contended that the eyewitnesses were biased and that their identification of the appellants was unreliable due to their prior knowledge of the appellants. They also argued that their *alibi* defence was not properly considered by the trial court. The State, on the other hand, argued that the eyewitnesses' testimony was credible and that the appellants' *alibi* defence was false.

The trial court found that the eyewitnesses identified the second appellant as the shooter and that the first appellant was present at the scene, goading the second appellant to shoot. The court also found that the witnesses' testimony was consistent and that they were not shaken during cross-examination. The high court granted leave to appeal to this Court.

The SCA held that the eyewitnesses' identification of the appellants was reliable and credible, given their prior knowledge of the appellants. This Court noted that the witnesses had ample opportunity to observe the appellants, they knew the appellants personally, the lighting was good and the witnesses were not shaken during cross-examination. The SCA referred to *Abdullah v The State*, stating that the degree of previous knowledge and the opportunity for a correct identification are crucial factors in cases of identification.

The SCA also found that the appellants' *alibi* defence was false and that the State had proved their guilt beyond a reasonable doubt.

As a result, the SCA dismissed the appellants' appeal

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