

Case of thabo meli v r

Law, Criminology



THABO MELI v R Fact of the case : The defendants had taken their intended victim to a hut and plied him with drink so that he became intoxicated. They then hit the victim around the head, intending to kill him. In fact the defendants only succeeded in knocking him unconscious, but believing the victim to be dead, they threw his body over a cliff. The victim survived but died of exposure some time later. The defendants were convicted of murder, and appealed to the Privy Council on the ground that there had been no coincidence between mens rea and actus reus in order to put them liable for murder.

Principle of the case : Approach use is the series of acts. This approach involves treating a series of distinct act as continent parts of a larger transaction. Liability may be attached where at some point in the series of acts, the accused has the necessary mens rea even if the mens rea does not coincide precisely in time with act causing death. Argument by the appellant: The appellant contended that the two acts done were separate acts.

The first act was done accompanied by mens rea which did not caused the death but the second act that caused death. They argued that the second act was not accompanied by mens rea, therefore, they were not guilty of murder. Defence by the respondent : it appears from the medical evidence that the injuries which deceased received in the hut were not sufficient to cause the death and that the final cause of his death was exposure where he was left at the foot of the krantz.

There is no doubt that the accused set out to do all these acts in order to achieve their plan. Judgment of the case : It was impossible to divide up what was really one series of acts; the crime was not reduced from murder to a

lesser crime, merely because the appellants were under some misapprehension for a time during the completion of their criminal plot; and, therefore, the appellants were guilty of murder.