**IN THE NORTH WEST HIGH COURT, MAFIKENG**

CASE: CAP 11/13

In the matter between:-

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| **KATAKA SIDEBOY MOSHE** | 1st Appellant |
| **KUDUBE MOSES MOSHE** | 2nd Appellant |
| **TLHOMAMISANG ANDRIES MOSHE** | 3rd Appellant |
| **BAGENTI BENJAMIN MOSHE** | 4th Appellant |

and

**THE STATE** Respondent

**CRIMINAL APPEAL**

**LEEUW JP AND CHWARO AJ**

**JUDGMENT**

**CHWARO AJ:**

**Introduction**:-

[1] The Appellants were convicted on various counts of stock theft, as more fully described below, in contravention of sections 1, 11, 12, 14 and 15 of the Stock Theft Act 57 of 1959 (Stock Theft Act) and each sentenced to 15 years imprisonment with the provisions of section 276B of the Criminal Procedure Act, No 51 of 1977 (The Criminal Procedure Act) made applicable to the sentence.

[2] The First Appellant was convicted on a total of five counts the details of which are the following:

- Count 1 in respect of theft of 12 cattle, being the property of Disang Ramedi;
- Count 4 in respect of the theft of 2 cattle being the property of Dora Mosasi and William Morotsi respectively;
- Count 5 in respect of 5 cattle being the property of Disang Ramedi;
- Count 6 in respect of theft of 4 cattle being the property of William Molotsi; and
- Count 7 in respect of theft of 1 cow being the property of or in lawful possession of Edward Sibidi.

[3] The Second Appellant was convicted on a total of eight counts the details of which are the following:

- Count 2 in respect of theft of 7 cattle being the property of T Mmereki;
- Count 3 in respect of 6 cattle being the property of or in lawful possession of Morris Kgosientsho;
- Count 4 in respect of the theft of 2 cattle being the property of Dora Mosasi and William Morotsi respectively;
- Count 5 in respect of theft of 5 cattle being the property of or in lawful possession of Disang Ramedi;
- Count 6 in respect of theft of 4 cattle which was the property of William Molotsi;
- Count 7 in respect of theft of 1 cow which was the property of or in lawful possession of Edward Sibidi;
- Count 9 in respect of theft of which was the property of or in lawful possession of Gert Semenye; and
- Count 12 in respect of theft of 3 cattle which was the property of or in lawful possession of Keikemetse Mmereki.

[4] The Third Appellant was convicted on six counts in total, the details of which are the following:

- Count 2 in respect of theft of 7 cattle being the property of T Mmereki;
- Count 3 in respect of 6 cattle being the property of or in lawful possession of Morris Kgosientsho;
- Count 4 in respect of the theft of 2 cattle being the property of Dora Mosasi and William Morotsi respectively;
- Count 5 in respect of theft of 5 cattle being the property of or in lawful possession of Disang Ramedi;
- Count 7 in respect of theft of 1 cow which was the property of or in lawful possession of Edward Sibidi; and
- Count 12 in respect of theft of 3 cattle which was the property of or in lawful possession of Keikemetse Mmereki.

[5] The Fourth Appellant was convicted on count 10 in respect of the theft of 1 cow which was the property of or in lawful possession of Dineo Mathe.

[6] The Appellants appeal against both conviction and sentence imposed, with leave obtained following a successful petition.

**The facts:-**

In respect of counts 2, 3, 4, 5, 6, 7 and 12

[7] In an effort to curb and arrest an alleged syndicate involved in stock theft, including police officers attached to the Stock Theft Unit in Vryburg, the Intelligence Unit of the South African Police Service obtained authorisation to undertake an undercover operation in accordance with the provisions of section 252A of the Criminal Procedure Act, 51 of 1977 ("*the undercover operation*"). One member of the Intelligence Unit, Inspector Mintoff Koch ("*Koch*") was assigned as the agent who was to make contact with the suspected members of the syndicate for purposes of conducting the undercover operation. Koch was to be introduced to the suspects by one Karel Strydom ("*Strydom*"), who was a local farmer and used an as informer in the operation.

[8] On the 11 December 2004, Koch was introduced to the First Appellant by Strydom as a farmer from Delmas who was interested in buying cattle from the Gamorona area. He provided the First Appellant with his contact numbers for purposes of making contact with him for a possible sale transaction. On the 13 December 2004, Koch received a telephone call from the First Appellant who offered to sell five herd of cattle to him. An arrangement was made for the sale and Koch drove towards the First Appellant's cattle post where he met the First, Second and Third Appellants. He eventually bought 3 cattle for an amount of R4 000-00 which he gave to the First Appellant who in turn handed it over to the Third Appellant. These cattle were loaded by the three appellants into Koch's motor vehicle and the First Appellant advised Koch to conceal the cattle with a cover and to take a different route from the route which passes through Fragas as the members of the community were vigilant with vehicles transporting cattle. A documentary proof of sale of stock, as envisaged in section 6 of Act 57 of 1959 ("section 6 document"), was duly filled and were each brand marked with the letters "KSC".

[9] On the 15 December 2004, Koch received another call from the First Appellant who offered to sell more cattle to him. He drove towards the First Appellant's cattle post where he found him in the company of the Second and Third Appellants. He bought two cattle from the First Appellant for R3 400-00 and thereafter filled a section 6 document as proof of the sale and the brand marked the two cattle with the letters "MYK". However, the First Appellant then asked Koch to help him find a five speed manual gearbox of a Toyota Cressida which would be used in the barter agreement as an exchange for two cattle.

[10] Following therefrom, Koch then informed his handler, McCarthy, that the First Appellant was looking for a gearbox as described above. Consequently, an appropriate gearbox was bought by McCarthy for an amount of R2 800-00 and subsequently marked "JOE" to enable the police to identify it at a later stage. On the 3 January 2005, Koch drove to First Appellant's cattle post in possession of the gearbox as arranged and handed it over to the First Appellant. The Second and Third Appellants then assisted the First Appellant to load the cattle onto Koch's vehicle. Koch gave the First Appellant an amount of R200-00 in cash over and above the

gearbox so as to make up for the shortfall of the sale price of R3000.00 for the cattle. As in all other previous transactions, a section 6 document was completed which reflected the branding mark "KSC" on both cattle. After the said sale, the First Appellant advised Koch not to sell the cattle at any public auction around the Vryburg- Kuruman area because the cattle were "kak goed" meaning that they were stolen.

[11] Koch once again later received a telephone call from the First Appellant on the 7 January 2005 with an offer to sell more cattle. Upon his arrival at the First Appellant's cattle post, Koch did not find any cattle but later, at approximately 19:30, the Second Appellant together with an unidentified young man came along herding two cattle towards the First Appellant's cattle post. These two cattle were then sold to Koch at a price of R3 000-00. At that stage, the First, Second and Third Appellants and the unidentified young man assisted Koch to load the cattle onto his vehicle. A section 6 document was filled which reflected a branding mark of "BLF" in respect of the two cattle.

[12] On the 20 January 2005, Koch received information to the effect that the First Appellant was arrested. He then went to see him at the police cells. The First Appellant directed him to deal with the Third Appellant in respect of future sale transactions.

[13] On the evening of the 24 January 2005, the Second and Third Appellants visited Koch at a local farm where he was staying for the duration of the undercover operation. The Second and Third Appellant offered to sell him between 10 and 15 herd of cattle so as to enable them to raise money for the First Appellant's bail and legal costs in respect of the criminal charge, he was facing. During the early hours of the 25 January 2005 at about 03:00, the Second Appellant phoned Koch to inform him about their arrival at his farm with sixteen (16) cattle which were driven to Koch's farm by the Third Appellant, who was assisted by two other men known only as Martin and Nebo. The 16 herd of cattle were sold for R15 000-00. Koch made a part payment of R10 000-00 to the Third Appellant with an undertaking that the remaining R5 000-00 will be paid at a later stage. Koch was later provided with a bank account number held at ABSA

bank for him to deposit the R5 000-00 which was eventually deposited by McCarthy in the said account held by a certain TA Moshe on the 27 January 2005.

[14] Even though the defence sought to attack the evidence relating to the transportation of the cattle from the place of sale to Lichtenburg, Koch's evidence is that at all material times relevant hereto, he would, after every transaction, transport and deliver the cattle to a farm situated at Lichtenburg. Upon his departure and on arrival at the said farm, photographs of the cattle were taken for identification purposes. Once at Lichtenburg and after offloading the cattle, the cattle were spray painted with the letters "A" to "D" on their skin which illustrated their sequence of arrival at the said farm. The cattle were also marked with yellow ear tags for identification and recording in the SAPS store. Some of the stolen stock were later identified and given back to their lawful owners and/or possessors referred to above who had identified them through their respective registered branding marks and other identifiable features.

In respect of count 1

[15] Count 1 relates to the theft of twelve herd of cattle, four (4) of which were impounded at an auction at Vryburg on the 5 June 2003. These cattle were sold to one Jacobus Fick ("Fick") by the First Appellant after the latter had informed Fick that one Monnapule Vincent Moshe, who was accused 5 during the trial, wanted to sell the said cattle. The four cattle found at Vryburg auction were the property of Daniel Melore who identified them by their registered branding mark, the earmarks which depicted a swallow tail and their colour. The involvement and participation of the First Appellant in the sale of the cattle was also confirmed by the First Appellant's son in law, Peter Sethibo Lesang, who testified that that he and First Appellant drove the four cattle on horseback from Lekopane camp to Gamorona and that the said cattle are identical to the ones impounded at the Vryburg auction. According to Lesang, the other six herd of cattle were driven by the First Appellant from Madinonyane camp to Gamorona whereat the said cattle were then sold to Johannes Vermaak, who was contacted telephonically by the First Appellant, for an amount of R2000-00.

In respect of count 9

[16] The allegations in respect of count 9 relate to the Second Appellant only. The evidence which led to his conviction is to the effect that he sold four (4) herd of cattle to Jacobus Fick. These cattle were later identified by their lawful owner, Gert Sehinye, at Fick's farm after the investigating officer in the matter, Inspector Jali, took him to the said farm. In an effort to conceal that these cattle were stolen, Second Appellant marked all these cattle with his own brand mark. The Second Appellant admitted to having sold a total of five (5) cattle to Fick but claimed that transaction was done for and on behalf of a certain Mr Lenoko, which turned out not to be true as he, the Second Appellant, could not provide an explanation as to why he was using his own branding mark on cattle that were supposedly the property of Lenoko. Fick corroborated the said admission by testifying to the effect that he bought the said cattle from the Second Appellant. After evaluation of all the evidence tendered in respect of this count, the trial court convicted the Second Appellant of the offence as outlined in count 9.

In respect of count 10

[17] This count relates to the Fourth Appellant only. The evidence led is to the effect that one Johannes Petrus Vermaak ("Vermaak"), who testified as a witness in terms of section 204 of Act 51 of 1977, bought a cow from the Fourth Appellant who was known to him from other previous dealings relating to sale of stock. The cow in question was positively identified by the lawful owner, Ms Mathe, who identified it through her registered brand mark which could only be revealed after some efforts were made, including shaving the cattle's skin. This aspect was further corroborated by Inspector Nanyane, of the SAPS who did the investigations on the matter. The Fourth Appellant was convicted and the cow and its calf were ultimately returned to the lawful owner.

**The issues**:-

[18] On a proper analysis of the grounds of appeal submitted on behalf of the Appellants, this court is required to determine the following issues:

(i) Whether the Respondent succeeded in proving the offences committed in counts 1, 9 and 10 beyond reasonable doubt;

(ii) Whether the evidence relating to charges 2, 3, 4, 5, 6, 7 and 12 and obtained through an undercover operation in terms of section 252A of Act 51 of 1977 should have been admitted by the trial court; and

(iii) Whether the sentence of 15 years imprisonment imposed on all Appellants with the application of the provisions of section 276B of Act 51 of 1977 is shockingly inappropriate.

**Analysis of the issues** :-

On whether the state proved its case beyond reasonable doubt in respect of counts 1, 9 and 10

[19] During argument before us, *Mr Strydom*, counsel for the Appellants, submitted that the First Appellant was incorrectly convicted in respect of count 1 in that the said charge was never put to him and consequently no plea was made by him thereto at the commencement of the trial. Upon being directed to the reconstructed record of the proceedings which indicated that he conceded and abandoned the point. In my view the concession was correctly made and it is on this basis that I will proceed to evaluate the evidence led in respect of the counts 1, 9 and 10.

[20] Count 1 relates to the First Appellant only which was to the effect that he participated in the sale of the stolen cattle that were later impounded at an auction in Vryburg. The evidence led against him was straightforward and direct. His son in law testified that he, (the First Appellant) did indicate to him that he sold the cattle in issue to Fick. It must also be noted that though the First Appellant sought to shift the blame to the previous accused number 5, his own branding mark was used to identify these stolen cattle.

[21] The owner of the cattle, Mr Disang Ramedi, positively identified his cattle after having been called by the police to do so. His branding marks and the colour of his

cattle could not be assailed during cross examination by the First Appellant's legal representative. Notwithstanding the extent of the *prima facie* case established against him, the First Appellant chose not to tender any evidence in rebuttal. In dealing with the apparent silence of the First Appellant, one need to be mindful of the often quoted dictum elucidated in the matter of **S v Boesak 2001 (1) SACR 1 (CC)** at page 11d-e where the then Chief Justice Langa stated the following:

> "…The fact that an accused person is under no obligation to testify does not mean that there are no consequences attaching to a decision to remain silent during the trial. If there is evidence calling for an answer, and an accused person chooses to remain silent in the face of such evidence, a Court may well be entitled to conclude that the evidence is sufficient in the absence of an explanation to prove the guilt of the accused…"

[22] It is trite law that in the absence of demonstrable and material misdirection, a trial court's findings of fact are presumed to be correct and that they will only be disregarded on appeal if the recorded evidence shows them to be clearly wrong.

See: **S v Hadebe & Others 1997 (2) SACR 641 (SCA)** at page 645e-f; and
**S v Naidoo & Others 2003 (1) SACR 347 (SCA)** at para 26

[23] In my view, the First Appellant's decision not to testify was at his own peril and in the absence of demonstrable and material misdirection by the trial court in the evaluation of the evidence and in making his factual findings, the conviction by the trial court in respect of count 1 cannot be faulted.

[24] The evidence tendered by the state in respect of count 9 remains uncontested. It is on record that the Second Appellant did in fact sell the four cattle to Fick and even marked them with his own branding mark. If indeed the Second Appellant was selling the cattle on the instruction of Lenoko, it remains a mystery as to why he used his own branding mark and not that of Lenoko. The owner of the cattle positively identified them. This evidence remains unshaken and in the absence of any material misdirection by the trial court and on the strength of the authorities cited above, I am

of the view that the trial court was correct in convicting the Second Appellant on this charge.

[25] In respect of count 10, which is the only charge faced by the Fourth Appellant, the Respondent's evidence, as led by Vermaak, was to the effect that he bought the cow from the Fourth Appellant and that such a cow was branded with the Fourth Appellant's branding mark. When the police arrived at his farm to question him about the said cow, they had to shave the cow's skin to reveal its branding mark which happened to be that of the complainant, Dineo Joel Mathe. The latter also testified to the effect that he positively identified the cow by its branding mark, the earmark and its colour. The evidence of Vermaak, who testified as a section 204 witness, was corroborated by the two investigating officers, Nonyane and de Jager. The Fourth Appellant elected not to testify and on the basis of the dictum in the **Boesak** case referred to above, such a decision was at his own peril. It is my view that the trial court was alive to the cautionary rule as it applies to section 204 witnesses and found that there was corroboration sufficient enough to convict the Fourth Appellant on the charge.

See: **S v Sauls and Another 1981 (3) SA 172 (A)** at page 180E - G.

On the admissibility of the evidence relating to section 252A undercover operation

[26] Section 252A (1) of the Criminal Procedure Act provides as follows:

> "Any law enforcement officer, official of the State or any other person authorised thereto for such purpose (hereinafter referred to in this section as an official or his or her agent) may make use of a trap or engage in an undercover operation in order to detect, investigate or uncover the commission of an offence, or to prevent the commission of any offence, and the evidence so obtained shall be admissible if that conduct does not go beyond providing an opportunity to commit an offence: Provided that where the conduct goes beyond providing an opportunity to commit an offence a court may admit evidence so obtained subject to subsection (3)"

[27] The subsection (3) of Section 252 A grant the Court the power to disallow any evidence which has been obtained in an improper or unfair manner and which might otherwise render a trial unfair or be detrimental to the administration of justice.

[28] From a proper analysis of subsection (1) of section 252A, it is apparent that an undercover operation similar to the one undertaken by Koch and McCarthy in the present case, may be undertaken to either detect, investigate or uncover the commission of an offence or to prevent the commission of an offence. This much was explained in the matter of **S v Kotze 2010 (1) SACR 100 (SCA)** at page 112d-f where the following *dictum* is made:

> "The section deals with both traps and undercover operations. Whilst these usually go together there will be cases where an undercover operation may involve no element of a trap. Thus for an example, the infiltration of an undercover agent into a gang planning a bank robbery, a cash-in-heist or the overthrow of the government will not necessarily involve any element of a trap, but may merely be an exercise in obtaining information…"

[29] At the resumption of the trial against the Appellants, the state made it abundantly clear that it was going to lead evidence obtained through an undercover operation undertaken in terms of section 252A of Act 51 of 1977. None of the legal representatives who acted on behalf of the Appellants herein objected thereto or argued that such evidence would be attacked as being inadmissible against their clients. Koch and McCarthy were both subjected to lengthy and scathing cross examination from the Appellants' legal representatives to the extent that Koch was even recalled at a later stage of proceedings at the instance of one of the Appellants. At no stage was there any suggestion that the evidence obtained through the undercover operation was inadmissible.

[30] The extent of the cross examination of the agent of the undercover operation and his handler by the legal representatives of the Appellants clearly amounts to an informal admission of the fact that the operation was done in accordance with the prescripts and that its evidence was to be admissible.

Compare: **S v Matlhare 2000 (2) SACR 515 (SCA)** at page 518i-519a

[31] In the matter of **S v Boesak 2000 (1) SACR 633 (SCA)** at page 647c-d the court stated the following:

> "In the context of the dispute now under discussion, i.e proof of the authenticity of the letter of 30 March 1988, but also in the wider context of the outcome of this appeal and the conduct of the defence in the trail Court, it is clear law that a cross-examiner should put his defence on each and every aspect which he wishes to place in issue, explicitly and unambiguously, to the witness implicating his client. A criminal trial is not a game of catch-as-catch-can, nor should it be turned into a forensic ambush"

See also: **S v Boesak 2001 (1) SACR 1 (CC)** at page 12c-f; and
**S v Maleka 2005 (2) SACR 284 (SCA)** at para 10

[32] The evidence led against the first three appellants by the agent cannot be regarded as going beyond providing an opportunity to commit an offence. The agent never suggested to them that they should go and steal cattle and then sell the stolen stock to him. In all instances, the sale of the stolen cattle was purely an initiative of the first three appellants and the agent's role was only to avail himself and pay the purchase price determined by them.

[33] It is my view that even the admission of the evidence, as seen against the authorities cited above, cannot be faulted in that at no stage was there any challenge to the admissibility of the evidence gathered through an undercover operation which would have led to a trial-within-a-trial. It therefore follows that the appellants stand to fail on this aspect and the conviction based on the evidence obtained through the undercover operation conducted in terms of section 252A of the Criminal Procedure Act must be allowed to stand.

On sentence

[34] It is now settled law that the duty to impose an appropriate sentence is the prerogative of the trial court. A court of appeal will not interfere with the exercise of discretion by

a trial court in every situation. It is only on limited instances that a court of appeal will interfere in the discretionary function of a trial court and where it is clear that the trial court exercised its discretion improperly, unreasonably, where there is material misdirection or where the disparity between the sentence imposed by the trial court and the sentence which the court of appeal would have imposed had it been the trial court, is so apart that it can be described as "disturbingly inappropriate".

See: **S v Malgas 2001 (1) SACR 469 (SCA)**

**S v Shaik and Others 2008 (1) SACR 1 (CC) at page 30g-31a**

[35] In the present case, the appellants were each sentenced to an effective 15 years imprisonment with the provisions of section 276B of Act 51 of 1977 being made applicable to the extent that they may only be considered for parole after having served a minimum of 10 years imprisonment.

[36] In respect of the First Appellant, he was convicted of theft of a total of twenty four (24) herd of cattle which were not given a fair value at the time of the conclusion of the trial. The following were said to be factors that the trial court should have considered:

- He was in his late 60's at the time of conviction;
- His previous conviction in respect of stock theft were for more than ten years;
- All his belongings were burnt down and others confiscated and forfeited to the state in terms of the Prevention of Organised Crime Act 121 of 1998; and
- That the cattle involved were all recovered and returned to their lawful owners.

[37] The Second Appellant was convicted of theft of a total of forty (40) cattle. The following were submitted as the factors that should have been taken into account by the trial court in imposing the sentence:

- That he was a first offender;

- That the stolen cattle were recovered and returned to their lawful owners;
- That his family house was burnt down;
- That he was held in custody for 18 months before being released on bail; and
- That his family properties were confiscated and forfeited to the state in terms of the provisions of Act 121 of 1998.

[38] The Third Appellant was convicted of theft involving twenty four (24) herd of cattle. The following were submitted to be the factors that the trial court should have considered in deciding on an appropriate sentence for him:

- That he was a first offender; and
- That he was gainfully employed at a company in the position of deputy manager at the time of his arrest; and
- That the recovered cattle were returned to their lawful owners.

[39] In respect of the Fourth Appellant, it was submitted that the court a quo should have considered the following factors in mitigation:

- That the Fourth Appellant was not convicted of any of the offences which were part of the undercover operation;
- That he was only convicted of theft of one (1) cow; and
- The evidence of the Fourth Appellant's two sons.

[40] During argument before us, Ms Maila, Counsel for the Respondent urged the Court not to interfere with the sentence imposed by the Court a quo on the basis that stock theft was a serious crime especially under circumstances where all the complainants in the matter relied solely on stock farming as their income and for survival. She further urged the Court not to interfere with the sentencing discretion of the court a quo in making the provisions of section 276B of the Criminal Procedure Act applicable.

[41] In **S v Holder 1979 (2) SA 70 (A)** the court held that imprisonment is acceptable for any serious crime, irrespective of the nature of such a crime and in certain instances, it may be the only appropriate sentence that ought to be imposed.

[42] The fact that any of the appellants were to be regarded as first offenders for purposes of sentencing would not have assisted them from being sentenced to a term of imprisonment. In the matter of **S v Krieling and Another 1993 (2) SACR 495 (A)** at page 497a the court stated the following:

> "While it is a salutary principle of sentencing that a first offender should, as far as possible, be kept out of prison, it is well recognised that in appropriate cases first offenders may, and indeed should, be incarcerated. Whether or not imprisonment is indicated depends essentially upon the facts of each particular case….. A balanced approach to sentencing requires that not only the appellant's personal circumstances and the potential hardship to them be given due weight, but also the nature of their crime and the interests of the community".

[43] Having considered the judgment of the court *a quo* and the personal circumstances of the appellants, I am of the view that the trial court did not take the personal circumstances of each of the appellants into consideration when sentencing, especially with regard to the fact that the First and Third Appellants' previous convictions were more than ten years as at the time of the conviction, that the Second Appellant was a first offender , that most of the cattle were recovered and restored to their respective lawful owners and that the Fourth Appellant was convicted of theft of only one cow. There was no basis, for the imposition of a blanket term of imprisonment in respect of each of the appellants when regard is had to their respective personal circumstances.

[44] I am therefore of the view that the learned Magistrate improperly exercised his discretion in sentencing by overemphasising the seriousness of the offences above the individual personal circumstances of the appellants and making the provisions of section 276B of Act 51 of 1977 to be applicable.

**Order :-**

[45] Consequently, I make the following order :-

1. The appeal against conviction on all counts is dismissed.

2. The appeal against sentence is upheld. The sentence of fifteen (15) years imprisonment with the application of the provisions of section 276B of Act 51 of 1977, imposed on the First , Second, Third and Fourth Appellants is hereby set aside and substituted with the following :-

"1. Accused one (1), two (2) and four (4) are sentenced to twelve (12) years imprisonment each of which four (4) years is suspended for 5 years on condition that the accused are not convicted of an offence which dishonesty is an element during the period of suspension.

2. Accused seven (7) is sentenced to eight (8) years imprisonment of which three (3) years is suspended for a period of 5 years on condition that the accused is not convicted of an offence which dishonesty is an element during the period of suspension."

3. The sentence is antedated to 18 November 2009.

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**OK CHWARO**
**ACTING JUDGE OF THE HIGH COURT**

I agree

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**M M LEEUW**
**JUDGE PRESIDENT**

**APPEARANCES:-**

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| Date of hearing: | 15 November 2013 |
| Date of judgment : | 12 December 2013 |
| Counsel for the Appellants: | Adv Strydom |
| Counsel for the Respondent: | Adv Maila |
| | |
| Attorneys for the Appellants: | Nienaber & Wissing |
| Attorneys for the Respondent: | DPP, North West |