IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case number: HC PTA: P137/208
CCT: 285/2019

DELETE WHICHEVER IS NOT APPLICABLE

1) **REPORTABLE YES/NO**
2) **OF INTEREST TO OTHER JUDGES YES/NO**
3) **REVISED**

25/11/2019.
DATE

SIGNATURE

In the matter between

SIMPHIWE ZUKISA MADLALA **APPELLANT**

versus

THE STATE

JUDGMENT

VAN VEENENDAAL AJ

[1] This is a matter of appeal against refusal of bail in the Pretoria Magistrate's Court pending petition to the Constitutional Court.

[2] The history of the matter is as follows: Appellant was charged in the Pretoria

Magistrate's Court on 31 January 2017 on one count of rape and one count of assault. He was convicted on 11 October 2017 and sentenced to 10 years imprisonment on count 1 and 1 year imprisonment on count 2 on 7 December 2017, the sentences were ordered to run concurrent for an effective sentence of 10 years imprisonment.

[3] The Appellant applied for leave to appeal on 22 February 2018 which was dismissed by the magistrate. The Appellant unsuccessfully petitioned the Judge President of the Gauteng Division of the High Court (which was dismissed on 21 September 2018), applied for special leave to appeal to the Supreme Court of Appeal (which was dismissed on 26 March 2019 as no special circumstances meriting further appeal to the Supreme Court of Appeal found) and applied to the President of the Supreme Court of Appeal in terms of section 17(2)(f) of Act 10 of 2013 (which was dismissed on 18 September 2019). The Appellant informs this Court that he has filed petition for leave to appeal to the Constitutional Court on 11 October 2019, which petition is still pending.

[4] The Appellant was on bail during the trial, but was incarcerated upon his sentencing and launched an application for bail pending appeal in the Pretoria Magistrates Court which was dismissed on 10 September 2018. The bail appeal was launched in the High Court and first heard on 24 October 2019 before my learned brother Strijdom AJ who requested reasons on conviction and sentence.

[5] The matter was set down again for hearing on 13 November 2019. When argument commenced on 13 November 2019, counsel for the Appellant referred the Court to the record of the trial and to petition grounds, which records and papers were not before court in the record. The State Prosecutor for the

Respondent was not in possession of these papers either, which led the court to remark that the court and the state are being ambushed and resulted in a postponement to 28 November 2019 for filing by the Appellant's attorney of a complete trial record, as well as complete records of the petitions and bail hearing, proper heads of argument, as well as any other documents the counsel may find necessary to refer the court to in argument.

[6] The Court in **S v Ho** 1979 (3) SA 734 (W) stressed, and I quote from the headnote: "*Where in an appeal in terms of s 65 of Act 51 of 1977 the appellant is represented by an attorney and counsel there is no excuse for asking the Court to decide the case without proper papers before it from which the Court can gather the grounds of appeal and form an opinion as to its merits. The lax habit of handing up copies of documents from the Bar or making ex parte statements from the Bar should not be tolerated.*" There must be proper documents from which the court can determine the grounds. Regarding the duty of the attorney see the dictum per McEwan J in the Ho-case (supra) at 736 C – E: "*...in my view it is desirable that when the attorney who has noted the appeal is informed of the date of hearing of the appeal, he should, before the hearing commences, make it his business to see that the file is in order. One may compare the attorney's responsibility in criminal appeals as set out in Supreme Court Rule 51 (3) and the note thereon in Nathan, Barnett & Brink Uniform Rules of Court 2nd ed at 346. The attorney's duties, in my view, should include seeing that the record is legible and is properly paginated and indexed.*"

[7] From the judgement in the Court a quo, it appears that there were seven state witnesses before the court a quo. Apparently, it is common cause that the

Appellant and the complainant were together on the day of the incident in the flat of the complainant, but it was disputed whether there was indeed consensual sexual intercourse. The court a quo summarized the evidence before the court a quo, indicating that the complainant suffered a headbutt, facial and bodily injuries in addition to forceful penetration and was in a shocked state when she contacted her cousin and was taken to the police by her cousin and her husband. The Appellant's version was that the complainant seduced the Appellant in a version that was not put to the complainant. The Court took into consideration the law applicable and convicted the Appellant.

[8] The Court a *quo* took into account the applicable factors when sentencing the appellant, which included the Appellant's personal circumstances, but found no reason to deviate from the minimum sentence regarding the first count and imposed one-year imprisonment on the second count.

[9] The Appellant, although on bail during his trial, became incarcerated upon sentencing and launched an application to be released on bail, which was refused by the court a quo on 10 September 2018, and which he is now appealing in this court.

[10] The Magistrate refused bail on the bases that leave to appeal had not yet not been granted, took into account the interests of justice, the flight risk of the Appellant and the possibility that a non-custodial sentence may be imposed on the Appellant.

[11] The Appellant attacks the finding of the magistrate in refusing bail on the following bases:

- That the magistrate failed to apply the test for bail pending petition;

- That the magistrate applied the incorrect test,

- That the magistrate should have found that the Appellant is not a flight risk,

- That the Appeal is reasonably arguable and not manifestly doomed to failure;

- That bail had been granted during the trial;

- That the magistrate did not take into account the provisions of section 60 (4)(a)-(e)

[12] In summary, the Appellant attacked the Magistrate's findings in his leave to appeal application on the following grounds:

- That the learned Magistrate erred in convicting the Appellant in accepting the evidence of the complainant and finding that the State had proved its case beyond reasonable doubt, by accepting the evidence of the single witness and referring to what the Appellant's counsel considered supporting grounds therefore ;

- By finding the version of the applicant false and not reasonably possibly true and referring to what the Appellant's counsel considered supporting grounds therefore;

- By imposing a sentence that is harsh and induces a sense of shock and further grounds therefore.

[13] On petition to the High Court, the petition is based on certain grounds, including

that the Magistrate did not objectively and dispassionately consider whether a reasonable opportunity existed that an appellate court may come to a different conclusion, that the dismissal deprived the Appellant of an opportunity to have his convictions and sentences fairly and properly reconsidered against trite legal principles which were incorrectly applied by the magistrate which would result in a grave injustice to the appellant and the criminal justice system.

[14] In particular, in the petition to the High Court, the Appellant remarks in his par 5.5 that the evidence of Ms Makhentsa, Mr Van Deventer, Mr Bosch and Sergeant Nthane "pertained to collateral events which occurred after the fact, and is therefore immaterial to the issues in dispute". The Evidence of the single witness, the medical evidence, the probabilities, the defence case and sentence were addressed as headings in the petition.

[15] This petition was the basis on which the bail application was lodged while it was still pending before the High Court.

[16] In the Supreme Court of Appeal, the same grounds were persisted with. When the President of the Supreme Court of Appeal is petitioned, the Appellant changes his grounds, and now the attack is against the curtailing of the cross-examination of the Appellant's attorney, but the paragraph that initially was numbered as par 5.5 (quoted above) is persisted with.

[17] In the petition to the Constitutional Court, there are now five grounds on which the Appellant bases his attack on the magistrate's judgement and sentence:

- Cautionary rule misapplied or incorrectly applied;

- State failed to prove guilt beyond reasonable doubt;

- Accused version rejected as false without being weighed up against other factors

- Limited cross-examination;

- Section 167 and or 186 of CPA incorrectly applied.

[18] I now turn to the issue of the appeal against refusal of bail.

[19] The test for bail pending a petition for leave to appeal is based on the radical change of circumstances after a person has been tried and convicted and has been sentenced. The primary purpose of the criminal trial has been achieved, i.e: to give an accused the chance to reply to the charges against him and to test the evidence the state brings to court. The accused has no duty to prove anything to Court before conviction. On sentence, after conviction, the accused is entitled to bring to court evidence that should mitigate his sentence. However, sentencing remains in the discretion of the trial Court.

[20] Appellant's counsel argued before this court that the Appellant is merely exercising his rights. This broad statement demands closer scrutiny.

[21] Upon a consideration of section 35(3)(o) of the Constitution of the Republic of South Africa 1996, *"Every accused person has the right to a fair trial, which includes the right of appeal to, or review by a higher court"* read with section 35(1)(f) that every accused person has the right to be released from detention if the interest of justice permit, subject to reasonable conditions.

[22] However, these rights are still subject to section 36(1) which determines that *"(1) The rights in the Bill of Rights may be limited only in terms of law of general*

application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including-

(a) the nature of the right;

(b) the importance of the purpose of the limitation;

(c) the nature and extent of the limitation;

(d) the relation between the limitation and its purpose; and

(e) less restrictive means to achieve the purpose."

[23] **See S v Dlamini; S v Dladla and Others; S v Joubert; S v Schietekat 1999 (4) SA 623 (CC)** for a discussion of the above.

[24] Section 60(4) of the Criminal Procedure Act 51 of 1977 lays down the criteria for the determining of the interests of justice:

"(4) The interests of justice do not permit the release from detention of an accused where one or more of the following grounds are established:

(a) Where there is the likelihood that the accused, if he or she were released on bail, will endanger the safety of the public or any particular person or will commit a Schedule 1 offence; or

(b) where there is the likelihood that the accused, if he or she were released on bail, will attempt to evade his or her trial; or

(c) where there is the likelihood that the accused, if he or she were released on bail, will attempt to influence or intimidate witnesses or to conceal or

destroy evidence; or

(d) where there is the likelihood that the accused, if he or she were released on bail, will undermine or jeopardise the objectives or the proper functioning of the criminal justice system, including the bail system; or

(e) where in exceptional circumstances there is the likelihood that the release of the accused will disturb the public order or undermine the public peace or security."

[25] The issue of appeal after sentencing is made dependent on application, and is dependent on the test of whether another court would come to a different conclusion. If an applicant cannot satisfy the court that another court will come to a different conclusion the application must fail and the applicant may petition a superior court. The test remains the same.

[26] A bail application is allowed along the way at each step of arrest and trial (and application for leave to appeal and petition), but the closer the accused comes to conviction, the lower, generally speaking, are the chances that an accused will be permitted to bail because once convicted and sentenced he must start serving his sentence. That fact is echoed in the **Criminal Procedure Act 51 of 1977** in **section 307,** in that the legislation demands that execution of a sentence is not suspended unless bail is granted. The default position in the Criminal Procedure Act is, therefore, that once a sentence is imposed, sentence must be implemented and the accused must start serving his sentence unless bail is granted.

[27] In regard to section 307, the State drew the Court's attention in argument to the

persisting problem that convicted persons try to obtain bail pending petition and then either never file their petitions or simply never submit to serving their sentences. **Du Toit, Commentary on the Criminal Procedure Act, RS 62, 2019 ch30-p24J-1** states: *"It is self-evident that a court, in considering an application for bail pending review or appeal, will take fully into account the possibility that an accused, after an unsuccessful review or appeal, would rather forfeit his bail money than report for the serving of his sentence (Kruger Hiemstra's Criminal Procedure (2008) 38-28 and 30-29)."* See also McEwan J in the Ho-case (supra) at 739 B – C: *"The fact that the appellant was admitted to bail in the sum of R200 prior to the trial is of little persuasive force now. Once the appellant had been convicted and had received a heavy sentence in being declared an habitual criminal, the picture changed drastically, enhancing any possible inducement to him to abscond unless bail was fixed in a substantial amount."*

[28] The discretion of granting bail remains with the court in which the bail application is made. The State referred this court in this regard to Section 65(4) of the Criminal Procedure Act and the limited basis on which it may interfere with the decision of the magistrate in refusing bail: "(4) The Court or judge hearing the appeal shall not set aside the decision against which the appeal is brought, unless such court or judge is satisfied that the decision is wrong, in which event the court of judge shall give the decision which in its or his opinion the lower court should have given, in this instance, the Regional Magistrate, who presided over the trial. The Court is referred to **S v Scott-Crossley 2007 (2) SACR 470 (SCA)** at paragraphs 6 and 7. The court warns that in evaluating the prospects of success the evidence must not be analysed in great detail. The wording in

this section is peremptory, in that the court of appeal shall not set aside the decision of the magistrate unless it is satisfied that the decision of the magistrate is wrong.

[29] In terms of **section 309** of the **Criminal Procedure Act 51 of 1977** a convicted person whose leave to appeal application has been denied, and is then refused bail pending submission of a petition to the Judge President, can appeal such a refusal of bail.

[30] This Court was referred to in **Coetzee v S** ***(unreported, GP case number a25/2017, 27 February 2017)*** in argument, referring to the test that the court must apply. Coetzee states the threshold as two interconnected relevant factors: prospects of success on appeal and the likelihood of the applicant to abscond.

[31] When weighing up the factors in any matter dealing with bail pending appeal, the Court must weigh up the bail criteria (as set out in **section 60 of the Criminal Procedure Act)** against the criteria of the appeal.

[32] When a court weighs up all the bail criteria as reflected in section 60 of the Criminal Procedure Act, it is very possible that an applicant may be a perfect candidate to be permitted to bail, but there may be no prospects of success in that appeal, and not even any hope of an arguable appeal. If an appeal is manifestly doomed to failure, there should be no question that the appellant cannot be permitted to bail and the matter should end there.

[33] In **S v Hudson 1996 (1) SACR 431 W, at 434 A-D,** Fleming DJP defines a guideline for the manner in which the test of prospects of success should be considered:

"In S v Anderson 1991 (1) SACR 525 (C) Marais J, with reference to a case where there is no reason to be concerned about whether or not the applicant will abscond, did not support an enquiry whether there 'is' a reasonable prospect of success. He said that ***if the appeal is 'reasonably arguable and not manifestly doomed to failure', the lack of merit in the appeal should not be the cause of a refusal of bail. I agree.*** *I add that if the conclusion that the appeal is manifestly doomed to failure can be reached only after what is tantamount to or approximates a full rehearing, the appeal should ordinarily for purposes of considering bail be treated as an appeal which is arguable. The question is not whether the appeal 'will succeed' but, on a lesser standard, whether the appeal is free from predictable failure to avoid imprisonment. Cf S v Moeti 1991 (1) SACR 462 (8) wherein it was said that the applicant for bail must convince that there is 'a reasonable possibility' that the appeal will avert imprisonment". [own emphasis]*

[34] The standard to be applied to this case, is not whether the appeal will succeed as a definite, but whether the appeal is free from predictable failure to avert imprisonment.

[35] The test in **S v Moeti,** as referred to in the **Hudson case** *(supra),* must be applied. Therefore, the appellant must convince this court that there is a reasonable possibility that the appeal will avert imprisonment in order to be granted bail.

[36] Applying the dictum of Fleming DJP in the **Hudson case** *(supra)* to the case before Court, if the issue of merit must be investigated, to establish whether a full rehearing is necessary to lead to the conclusion that the appeal is an arguable

appeal and to avert imprisonment the appeal must succeed. This is a general reference to averting imprisonment, which is not confined to the sentence only, but encompasses a consideration of the conviction and sentence.

[37] The five grounds as set out, were robustly discussed in argument. I will only cursorily refer to the grounds.

- Regarding ground one: the cautionary rule misapplied or incorrectly applied: the criticism by the appellant's counsel of the error does not address the fact that the complainant indeed called for assistance called at the first opportunity she had, that her evidence is consistent with the evidence of the doctor regarding assault, nor does the counsel succeed in a convincing argument that the magistrate had sympathy for the victim.

- Regarding ground 2: state failed to prove the guilt of the accused beyond reasonable doubt: the counsel did not address the issue of a rejection of the section 174 of the Criminal Procedure Act application, and the implications for the Appellant after that.

- Regarding ground 3: the Accused's version rejected as false without being weighed up against other factors: The counsel for the Appellant did not address the issue that the version of the Appellant was never put to the complainant or any of the other witnesses. Instead, Counsel made the curious statement that the Prosecutor waited until he had the Appellant in the witness box and then cross-examined him. The fact remains that the Accused did not put a number of statements of his version to the complainant.

- Limited cross-examination: the court asked counsel to indicate other

occasions than just the one incident in which the magistrate threatened the Appellant's legal representative with a contempt of court finding and to indicate where the representative was intimidated by the court, which the counsel was unable to do.

- Incorrect application of section 167 and/or 186 of the Criminal Procedure Act. Apparently the counsel refers to witnesses called by the court. However, in this court, the counsel conceded the point that the record is clear that the prosecutor called the witnesses and that the court called no witnesses. The counsel attacks the fact that one witness was in court and then called as a witness, but it is clear that the prosecutor did not hide this fact but disclosed it to the court. This is in contradistinction with the petitions to the High Court and the Supreme Court of Appeal where it was stated in par 5.5 that this one witness' evidence pertained to collateral events which occurred after the fact and is therefore immaterial to the issues in dispute.

[38] On consideration, cursorily, of the evidence before the magistrate, regarding conviction, it does not appear likely that the appeal will succeed to the point that the appellant will avert a conviction on both counts, which will lead to the appellant facing the sentences as considered. The inquiry must therefore move to the question as to whether the appellant will be facing a reasonable possibility of averting imprisonment.

[39] Taking into account all the factors that the magistrate had before him, including the factor that the appellant held full time employment, that he has lost that position and his job, his age, including the consideration a fine or non-custodial sentences and rejecting those options in favour of imprisonment as deterrent

factor, I cannot find that imprisonment will be averted. I cannot fault the reasoning of the magistrate in that regard.

[40] This court must also consider that three petitions have already failed and that the appellant has turned to the Constitutional Court for consideration and possible relief as indication as to whether an appeal is arguable,

[41] A full hearing is not necessary to decide whether the appeal is arguable. Two higher divisions have already dismissed the petitions. A reading of the record of the trial indicates why the petitions have already been dismissed. The approach to the Constitutional Court is clutching at straws. The Appeal is not arguable and is manifestly doomed to failure and would lead to the Appellant spending time in prison.

[42] It is now necessary to turn to the criticism of the Appellant of the Magistrate's exercise of his discretion against granting of bail:

- That the magistrate failed to apply the test for bail pending petition. A careful reading of the Magistrate's reasons disclose that he formulated the test and applied the test.

- That the magistrate applied the incorrect test. The magistrate applied the correct test albeit differently worded: the magistrate referred to the fact that the leave to appeal had been pending and not yet granted, the flight risk by the Appellant and the non-custodial sentence will not be averted.

- That the magistrate should have found that the Appellant is not a flight risk. The appellant would appear to not be a flight risk in the strict sense. However, the factor of the flight risk is outweighed by the fact that the Appellant

seems to refuse to accept his conviction and sentence. The issue that he did attempt to interfere with the complainant and that the disciplinary proceedings were abandoned at his erstwhile workplace do suggest that he may attempt to interfere again with the complainant.

- That the Appeal is reasonably arguable and not manifestly doomed to failure. As indicated above, this appeal is not arguable and is manifestly doomed to failure;

- That bail had been granted during the trial. As indicated, the risks of the Appellant absconding have been addressed above.

- That the magistrate did not take into account the provisions of section 60 (4)(a)-(e): the interests of justice demand that a person must start serving his sentence, especially on such a serious charge.

[43] Taking into account that an Appellant or Petitioner as in this case has the Constitutional rights to pursue his freedom and appeals and reviews, but subject to the limitations by legislation of general application as expounded in case law and precedent, I am not satisfied that the magistrate in the court a quo was wrong in his decision to refuse bail to the Appellant. Therefore, the appeal against refusal of bail pending petition must fail.

[44] It is necessary to comment on the fact that the bail appeal took three hearings to complete, that all relevant documentation was not placed before that court on the bail appeal and that the court had to order same after it was referred to those documents in argument by the Appellant's counsel.

[45] Bail appeals are by their nature urgent. Great pressure is placed on all the court

staff and the presiding officers to deal with these matters quickly while applying one's mind to the issues. In this matter, it took two postponements for the matter to be trial ready. Counsel informed court that not placing certain documents before it was a decision by the legal team of the appellant. However, the strategy appeared to be to not place court in possession of all it needs in order to be referred to it by counsel in argument. This is ambushing the court and ambushing the state which is unacceptable in a constitutional dispensation.

[46] During robust argument between the court and Mr Ngumbane, counsel abandoned at least two grounds that are before the Constitutional Court. Upon the court's question whether the Constitutional Court is going to be informed of these abandonments, he said he would have to obtain instructions from his attorney. This means that he abandoned those grounds without instructions by his attorney.

[47] From argument by the State Advocate, Mrs Harmzen, it is clear that the legal team for the Appellant in this matter have not approached the prosecutors in order to define the record that must be submitted to the Constitutional Court in terms of the Rules of the Constitutional Court.

[48] I refer to clause 3 of the Code of Conduct of Legal Practitioners and their duties to court, their opposition and to their clients, and wish to emphasise the following:

"3. Legal practitioners, candidate legal practitioners and juristic entities shall -

3.1 maintain the highest standards of honesty and integrity;

3.2 *uphold the Constitution of the Republic and the principles and values enshrined in the Constitution, and without limiting the generality of these principles and values, shall not, in the course of his or her or its practice or business activities, discriminate against any person on any grounds prohibited in the Constitution;*

3.3 ***treat the interests of their clients as paramount, provided that their conduct shall be subject always to:***

3.3.1 their duty to the court;

3.3.2 the interests of justice;

3.3.3 observance of the law; and

3.3.4 the maintenance of the ethical standards prescribed by this code, and any ethical standards generally recognised by the profession;

3.4 *honour any undertaking given by them in the course of their business or practice, unless prohibited by law;*

3.5 *refrain from doing anything in a manner prohibited by law or by the code of conduct which places or could place them in a position in which a client's interests conflict with their own or those of other clients;*

3.6 *maintain legal professional privilege and confidentiality regarding the affairs of present or former clients or employers, according to law;*

3.7 *respect the freedom of clients to be represented by a legal practitioner of their choice;*

3.8 *account faithfully, accurately and timeously for any of their clients' money which comes into their possession, keep such money separate from their own money, and retain such money for only as long only as is strictly necessary;*

3.9 ***retain the independence necessary to enable them to give their clients or employers unbiased advice;***

3.10 ***advise their clients at the earliest possible opportunity on the likely success of such clients' cases and not generate unnecessary work, nor involve their clients in unnecessary expense;***

3.11 *use their best efforts to carry out work in a competent and timely manner and not take on work which they do not reasonably believe they will be able to carry out in that manner;*

3.12 *be entitled to a reasonable fee for their work, provided that no legal practitioner shall fail or refuse to carry out, or continue, a mandate on the ground of non-payment of fees and disbursements (or the provision of advance cover therefor) if demand for such payment or provision is made at an unreasonable time or in an unreasonable manner, having regard to the particular circumstances.*

3.13 *remain reasonably abreast of legal developments, applicable laws and regulations, legal theory and the common law, and legal practice in the fields in which they practise;*

3.14 ***behave towards their colleagues, whether in private practice or otherwise, including any legal practitioner from a foreign jurisdiction, and towards members of the public, with integrity, fairness and respect and without unfair discrimination, and shall avoid any behaviour which is insulting or demeaning;***

3.15 ***refrain from doing anything which could or might bring the legal profession into disrepute;***

3.16 *unless exempted therefrom, pay promptly to the Council or any organ of the Council, or to the Fund, all amounts which are legally due or payable in respect of fees, charges, levies, subscriptions, penalties, fines or any other amounts of whatsoever nature levied on legal practitioners, candidate legal practitioners or juristic entities in terms of any powers arising under the Act or the rules;*

4. *Legal practitioners, candidate legal practitioners and juristic entities are required to become fully acquainted with this code and comply with its provisions;*

5. *Legal practitioners, candidate legal practitioners and juristic entities are encouraged to report unprofessional conduct by other legal practitioners, candidate legal practitioners or juristic entities to the Council in the manner prescribed in the rules prescribing the disciplinary procedure.*

[0wn emphasis]

[49] Counsel and attorneys must avoid running up unnecessary costs for their clients. This could have been avoided by the legal team of the Appellant in this matter.

Counsel is a practicing advocate at the Cape Town Bar and had to fly up to Johannesburg and appear in Pretoria and Benoni three times.

[50] Mrs Harmzen referred to Mr Ngombane's references to case law and cited one instance in which the quotation was not correct.

[51] I also refer to the proceedings on 13 November 2019 in which Mr Ngombane referred the court to the record and the petitions while not putting the court in possession of the documents he was referring to, which caused another postponement in the matter. This is against the spirit of the Code of Conduct but also specifically against the provisions of clause 3.3 and its subclauses.

[52] Mr Ngombane and Mr Mtumtum are hereby warned that their conduct borders on being unethical and dishonest and are requested to reflect on their conduct in this matter and advise their client as required in terms of the Code of Conduct.

ORDER:

The appeal against refusal of bail pending petition is dismissed.

C VAN VEENENDAAL
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION