

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Mia and Another v the State

The Supreme Court of Appeal (SCA) today upheld an appeal by Mohamed Joonaid Mia and dismissed that of Raymond Howell. They had been convicted of theft of R1,1m by the Johannesburg Regional Court which was confirmed by the Johannesburg High Court.

Howell had approached Mia to facilitate an illegal foreign exchange transaction. The complainant, Ebrahim, believing Howell's representation that he would receive £200 000 in exchange for R1,1m delivered the money but midway through the meeting Howell pretended to be a policeman. On this turn of events Ebrahim ran away leaving the money behind which Howell appropriated and vanished without trace.

Some years later Mia and Howell were charged with robbery of R1,1m but were convicted of theft instead it being the regional court's conclusion that they had committed that offence (a competent verdict on a robbery charge) and not robbery as no violence was used. Their appeals to the Johannesburg High Court failed but they were granted leave to appeal to the SCA.

The SCA found that the lower courts had misdirected themselves in convicting Mia. In this regard the SCA found that the state had led no evidence inculcating Mia and that his conviction was based on Howell's evidence, who the regional court had branded as evasive, unreliable and not credible. On this basis Mia's conviction was set aside.

The SCA further found that what Howell had committed was theft and not fraud and that the regional court was correct in convicting him of theft. The SCA accordingly dismissed Howell's appeal.