

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 27 September 2007

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

ABNER MNGQIBISA v THE STATE

1. The Supreme Court of Appeal today dismissed an appeal by the appellant against his conviction for fraud. The appellant was convicted by the Pretoria Specialized Commercial Crimes Court which was confirmed by the Pretoria High Court.
2. The appellant had made a false representation to an employee of the complainant that he was driving his motor vehicle when it was involved in an accident. He subsequently stated the correct facts to another employee.
3. The Supreme Court of Appeal found that the appellant's version, that he did not intend to defraud when he made the false representation, was correctly rejected by the lower courts. In this regard the Supreme Court of Appeal found that the false representation, considered as at the time it was made, was clearly calculated to defraud in that it exposed the complainant to the risk of recovering a lower access.