



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

23 September 2009

STATUS: Immediate

HN Riba v The State (74/2009)[2009] ZASCA 111 (23 September 2009)

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

The SCA today dismissed an appeal by a Mamelodi Police Inspector, Mr Riba, against the decision of the High Court in Pretoria, in which he was sentenced to 4 years imprisonment for the theft of certain goods which he and a police reservist had seized from a suspect but failed to record in the SAP 13 register and keep in a police store in the Mamelodi main police station, timeously as was the standard police procedure.

The goods had been left at a satellite station in Mamelodi on 8 September 2007 and were kept in a locker where police kept their personal belongings. They were only taken to the main station and recorded in the SAP 13 after two days. This was done after the suspect, who had been released without being charged, had laid a complaint with the police and the matter of the goods was being investigated by a police captain.

The SCA rejected the appellant's submission that he and his colleague, who was charged with him for the theft of the goods, had throughout intended to enter them in the SAP 13 register and keep them in the store at the main station.

The SCA held that the appellant and his colleague had intended to appropriate the goods and found the charge of theft against them to have been proved. A sentence of

imprisonment for 4 years was imposed. Because the appellant had already been in custody for ten and a half months prior to the hearing of the appeal before the High Court, the sentence was antedated to 1 November 2008.