



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL**

From: The Registrar, Supreme Court of Appeal
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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.

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Crots v Pretorius (34/10) [2010] ZASCA 107

When a livestock speculator buys cattle that he has no details of from a person he knows nothing about and deliberately fails to comply with the provisions of the Stock Theft Act 57 of 1959, his actions amount to theft of the livestock. The instincts of Mr Crots, the victim of the theft, about right and wrong caused him to pursue this matter since 2004 despite successive losses in the magistrate's court and the high court. He has now been shown by the Supreme Court of Appeal to have been right all along.

During August 2004 nine of Crots' gravid heifers disappeared from his farm. He noticed tyre tracks at the likely place where the heifers were loaded and recognised it as belonging to a vehicle of a local transporter. The local transporter confirmed that nine heifers were collected by his truck on the instruction of a livestock speculator from the area, Mr Pretorius. Pretorius admitted that he instructed a vehicle to collect nine heifers and deliver them to the abattoir where they were promptly slaughtered. Crots sued Pretorius for the value of the heifers. He denied any knowledge of the theft, saying that he bought the heifers from a man that was unknown to him, called Petrus, suggesting that if the cattle were stolen, Petrus stole them and not him. He counterclaimed against Crots for saying that he stole the heifers.

The Supreme Court of Appeal found that Pretorius, who knows the livestock trade and the provisions of the Stock Theft Act, was part of the theft of the Crots' heifers. It found that Pretorius, by making sure that he knew nothing about Petrus and the nine heifers and by deliberately not complying with the Stock Theft Act, facilitated and was part of the theft of the heifers. Pretorius was ordered to pay R45 000 with interest to Crots.

The decision of the magistrate's court that Crots was to pay R20 000 in damages for defamation to Pretorius was also set aside. The Supreme Court of Appeal found that there was not sufficient evidence that Crots told anybody that Pretorius stole his heifers.