



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**  
**MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF**  
**APPEAL**

**From:** The Registrar, Supreme Court of Appeal

**Date:** 20 June 2025

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*Van Jaarsveld v The State* (1105/2023) and *Ras v The State* (885/2024) [2025] ZASCA 92 (20 June 2025)

---

Today the Supreme Court of Appeal (SCA) handed down judgment upholding in part, an appeal against an order of the Gauteng Division of the High Court, Pretoria (the high court).

During September 2011, Mr van Jaarsveld working alongside his co-accused Mr Ras (the appellants), misrepresented ownership of a boat to the value of R200 000 to the complainant and in the process of so doing, forged a receipt and ultimately appropriated and sold the boat. The Regional Court for the Regional Division, Pretoria (the trial court) convicted Mr van Jaarsveld on charges of fraud, forgery and theft. Mr Ras was convicted on charges of fraud, theft, unlawful possession of a firearm and possession of ammunition. During sentencing, Mr van Jaarsveld received an effective sentence of 12 years' imprisonment while Mr Ras was sentenced to an effective term of 29 years' imprisonment. The trial court dismissed both appellants' applications for leave to appeal against their convictions and sentences. The appellants subsequently petitioned the high court for leave to appeal in terms of s 309C of the Criminal Procedure Act 51 of 1977, which was dismissed. The SCA granted Mr van Jaarsveld leave to appeal against both conviction and sentence while Mr Ras was only granted leave to appeal against sentence.

The key issues before the SCA were thus whether the trial court correctly convicted Mr van Jaarsveld on the evidence which was before it and whether in respect of both appellants the sentences imposed by the trial court were appropriate.

In respect of Mr van Jaarsveld, the SCA found that while the fraud and theft convictions were sound, the forgery conviction was procedurally flawed as the trial court had initially acquitted him before reversing its decision without proper justification. The SCA upheld the fraud and theft convictions but set aside the forgery conviction. In reassessing sentence, the SCA reduced Mr van Jaarsveld's imprisonment term from 12 years to an effective four years, finding that the sentence imposed by the trial court failed to adequately account for his personal circumstances as a primary caregiver. In respect of Mr Ras, the SCA found the 29-year cumulative sentence manifestly disproportionate and noted that while fraud and theft were serious offenses, the trial court failed to attach sufficient weight to the fact that substantial restitution had been made to the complainant. Most significantly, the SCA held that the minimum 15-year sentence for unlawful possession of a firearm was unjust in circumstances where the firearm was legally owned by his spouse, in addition to the fact that there was no evidence of criminal

intent. The SCA accordingly suspended the firearm sentence entirely and reduced the effective sentence to four years.

In its reasoning, the SCA emphasised the fundamental sentencing principles that punishment must fit both the crime and the offender, and that courts must consider the unique circumstances of each case, particularly where mandatory minimum sentences are involved. In the result, the appeal was upheld in part, with the conviction on forgery being set aside in respect of Mr van Jaarsveld and both appellants' sentences were reduced to an effective four years' imprisonment, antedated to May 2021 to account for time already served.

~~~~ends~~~~