



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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AKASH LACHMAN v THE STATE

The Supreme Court of Appeal today dismissed the appeal by Mr Akash Lachman, a former auditor in the office of SARS in East London, against his conviction on a charge of corruption. He was convicted in the regional court in East London and sentenced to five years imprisonment, of which two years were conditionally suspended. His appeal to the Eastern Cape High Court, Grahamstown, was unsuccessful.

The trial court found that the appellant had sent a large number of SMSs from his cellphone to the cellphone of the complainant, Mr Mokoena, offering to make Mr Mokoena's problems with SARS 'go away' in return for payment of R20 000. The appellant was eventually arrested by the police when an envelope containing cash was delivered to the offices of SARS and collected by the appellant. In a subsequent

search, the cellphone from which the incriminating SMSs had been sent was discovered on the appellant's desk. The appellant's denial that he had sent any of the SMSs or that the cellphone belonged to him was rejected by the trial court.

On appeal, the Supreme Court of Appeal confirmed the factual findings of the trial court. The SCA also rejected arguments on behalf of the appellant that the police conduct amounted to an impermissible trap and that the cellphone was discovered as part of an unlawful search by the police.

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