



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 23 March 2015
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Maringa v The State (20116/2014) [2015] ZASCA 28 (23 March 2015)

Media Statement

Today, the Supreme Court of Appeal (SCA) dismissed an appeal against a decision of the Gauteng Local Division, Johannesburg on appeal to it.

The issue before the SCA was whether the appellants could stand trial together with five other accused when they did not all face the same charges.

The appellants are the co-accused of five other accused who are charged with 499 counts of fraud, forgery, uttering and corruption. The two appellants do not face all of the same charges as the other accused and due to this fact they objected to their joinder on the basis that such joinder is contrary to the provisions of ss155 and 156 of the Criminal Procedure Act 51 of 1977.

It was clear that the alleged offences were part of a scheme to sell properties belonging to the Johannesburg Metropolitan Municipality. The alleged offences were committed within a period of two months and were committed at about the same time and place and were in furtherance of a common purpose.

The prejudice the appellants might suffer would be to sit through a trial while evidence was being presented about charges they might not face. This prejudice is minimal. If the trials were separated the State will suffer real prejudice as there would have to be three separate trials and this is against the principle that there should not be a multiplicity of trials relating to essentially the same facts.

The regional court magistrate exercised a discretion in refusing separation of trials and such discretion was judicially exercised.

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