

CAS: Brooklyn  
429/05/2015



REPUBLIC OF SOUTH AFRICA

Summons No. 574/16

**COPY: To be handed to accused**

Case No. .... / .....

**SUMMONS IN CRIMINAL CASE**

**Magistrate's Court**

District Pretoria	Regional division Tshwane District	
Held at Pretoria	Court 16	Date of trial 02-November-2016

**TO THE ACCUSED**

- You are hereby summoned to appear in person before the above-mentioned court at 08:30 on the above-mentioned date and place in connection with the charge(s) of which the particulars is/are mentioned above and to remain in attendance.
- An admission of guilt fine of ..... may be made on or before ..... to the Clerk of the above-mentioned Magistrate's Court or at any police station within the area of jurisdiction of the said Court.

Name Pravin Gordhan			
Address			
Gender	Male	Occupation	Member of Parliament
Age	67	Id No.	

**Particulars of charge(s):**

Accused is/are guilty of the offence of fraud .....

in that upon or about the 18 day of October ..... in the year 2010 ..... and at or near BROOKLYN .....

the accused did wrongfully SEE ATTACHED ANNEXURES A-E .....

- Warning:** (i) Should any change in above-mentioned address take place before the proceedings are finally disposed of you are compelled to inform the official who served this summons upon you thereof.  
(ii) Failure to comply with either the above-mentioned warning or this summons renders you liable to a fine or a term of imprisonment not exceeding three months
- Should you decide to dispute the charge(s) against you, and you wish to make use of legal practitioner, you may, if you cannot afford a legal practitioner, apply for legal aid at the local Legal Aid Officer.

*[Handwritten signature]*

Date stamp of issuing office



**ADMISSION OF GUILT UNDER SECTION 57 OF ACT 51 OF 1977**

I do hereby acknowledge that I am guilty of the offence(s) set out in this summons.

Signature .....

Identity number 

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The amount of R ..... deposited this ..... day of ..... in the year of .....

Licence/Receipt No. ....	Dated .....
for the amount of R ..... produced.	

**IMPORTANT**

1. Should you intend making use of the post the documents must be posted on a date which will be early enough to ensure that it will reach those formerly mentioned on or before the mentioned payment date.
2. Only cash, a money order, a postal order or a cheque guaranteed by a bank, will be accepted.
3. The summons, signed by you, must accompany the fine.

ANNEXURE "A"

Case no:

/2016

THE STATE

VERSUS

**OUPA MAGASHULA**

**ACCUSED 1**

**IVAN PILLAY**

**ACCUSED 2**

**PRAVIN GORDHAN**

**ACCUSED 3**

**COUNT 1**

**THAT** the accused are guilty of the crime of **FRAUD** read with sections 1, 103, 250, 256 and 257 of Act 51 of 1977 and further read with section 51(2) of Act 105 of 1997.

**IN THAT** upon or about 18 October 2010 and at or near PRETORIA in the Regional Division of Gauteng the accused, did unlawfully, falsely and with the intent to defraud give out and pretend to Nic Coetzee and/or Susan Visser and/or Khethang Mokoena and/or the South African Revenue Service (SARS) and/or the National Treasury that SARS was liable to pay a sum of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11 to the Government Employees Pension Fund on behalf of Ivan Pillay which amount was a penalty payable by Pillay to the Government Employees Pension Fund for taking early retirement for his own personal reasons, by requesting, recommending and approving that SARS should pay the said amount through a memorandum dated 18 October 2010,

**AND** did there and then and by means of the said false pretences induce Nic Coetzee and/or Susanna Visser and/or Khethang Mokoena and/or the South African Revenue Services or the National Treasury to their/its actual prejudice to pay the sum of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11 to the Government Employees Pension Fund on behalf of Ivan Pillay;

**WHEREAS** when the accused so gave out and pretended they well knew that in truth the South African Revenue Service (SARS) was not liable to pay the amount of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11 to the Government Employees Pension Fund on behalf of Ivan Pillay thereby committing fraud.

THE STATE

VERSUS

OUPA MAGASHULA

ACCUSED 1

IVAN PILLAY

ACCUSED 2

PRAVIN GORDHAN

ACCUSED 3

**Alternative to count 1**

**That the accused are guilty of Theft read with sections 1, 92(2), 250, 256 and 257 of Act 51 of 1977, further read with sections 51(2) of Act 105 of 1997**

**IN THAT** upon or about 18<sup>th</sup> October 2010 and at or near Pretoria in the Regional Division of Gauteng, the accused did unlawfully and intentionally steal an amount of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11, the property or in the lawful possession of Nic Coetzee and/or Susanna Visser and/or Khethang Mokoena and/or the South African Revenue Services (SARS).

ANNEXURE "C"

Case no:

/2016

THE STATE

VERSUS

**OUPA MAGASHULA**

**ACCUSED 1**

**IVAN PILLAY**

**ACCUSED 2**

**COUNT 2**

THAT the accused are guilty of contravention of Section 86 read with section 1, 38, 39 and 45 of the Public Finance Management Act, Act 1 of 1999 and further read with Sections 1, 92(2), 250, 256 and 257 of Act 51 of 1977

**IN THAT** upon or about the date and place mentioned in count 1, accused 1 whilst being an Accounting officer for The South African Revenue Services (SARS), acting in concurrence with accused 2 and 3 wilfully and in a grossly negligent way, caused SARS to incur or failed to prevent irregular, fruitless and wasteful and unauthorised expenditure and thereby contravening the said sections of the Act.

ANNEXURE "D"

Case no:

/2016

THE STATE

VERSUS

**OUPA MAGASHULA**

**ACCUSED 1**

**IVAN PILLAY**

**ACCUSED 2**

**Count 3**

**THAT** the accused are guilty of the crime of FRAUD read with sections 1, 103, 250, 256 and 257 of Act 51 of 1977 and further read with section 51(2) of Act 105 of 1997.

**IN THAT** upon or about 7<sup>th</sup> February 2011 and at or near PRETORIA in the Regional Division of Gauteng the accused, did unlawfully, falsely and with the intent to defraud give out and pretend to Chrisna Susanna Visser and/or Human Resources of SARS and/or SARS that SARS was authorised to enter into an employment contract with Mr Visvanathan Pillay for a period of five (5) years commencing on 1 January 2011 and terminating on 31 December 2015;

**AND** did there and then by means of the said false pretences induce Chrisna Susanna Visser and of Human Resources of SARS and/or SARS to her /its prejudice to a remuneration package for a period of five (5) years instead of a remuneration package of three (3) years

**WHEREAS** when the accused so gave out and pretended, they well knew that in truth the South African Revenue Service (SARS) was only authorised to conclude a three (3) year contract with effect from 1 August 2010 with Mr Visvanathan Pillay and thereby committing fraud



ANNEXURE "E"

Case no:

/2016

THE STATE

VERSUS

IVAN PILLAY

ACCUSED 2

PRAVIN GORDHAN

ACCUSED 3

Count 4

**THAT** the accused are guilty of the crime of FRAUD read with sections 1, 103, 250, 256 and 257 of Act 51 of 1977 and further read with section 51(2) of Act 105 of 1997.

**IN THAT** upon or about 1<sup>st</sup> April 2014 and at or near PRETORIA in the Regional Division of Gauteng the accused, did unlawfully, falsely and with the intent to defraud give out and pretend to Chrisna Susanna Visser and/or Human Resources of SARS and/or SARS that SARS was authorised to enter into an employment contract with Mr Visvananthan Pillay as Deputy Commissioner for a period of four (4) years commencing on 1 April 2014 and terminating on 31 December 2018;

**AND** did there and then by means of the said false pretences induce Chrisna Susanna Visser and of Human Resources of SARS and/or SARS to her /its prejudice to an annual remuneration package of One million nine Hundred and eighty nine thousands five Hundred and eighty

nine rands and fifty two cents for a period of four (4) years when there was no approved internal memo or letter authorising same.

**WHEREAS** when the accused so gave out and pretended, they well knew that in truth the South African Revenue Service (SARS) was under no obligation to enter into a new employment contract or extend the employment contract entered into on 7 February 2011 with Mr Visvanathan Pillay as it still had a period of a year to run to conclusion and thereby committing fraud.