



## JUTA'S ADVANCE NOTIFICATION SERVICE

OCTOBER 2014

Dear *South African Law Reports* and *Criminal Law Reports* subscriber

Herewith the cases in the October reports.

### JUDGMENTS OF INTEREST IN THE OCTOBER EDITIONS OF THE *SALR* AND THE *SACR*.

#### *SOUTH AFRICAN LAW REPORTS*

##### **Small defaults on debt rearrangement**

Following an error by the payment distribution agency, the bank sought judgment and an order declaring the immovable property executable. The net shortfall owing to the bank was R441. The word 'defaults' according to the National Credit Act had to be interpreted to exclude minor, unwitting and excusable defaults, of the nature which occurred here. *Nedbank Ltd v Thompson and Another* 2014 (5) SA 392 (GJ)

##### **Slippery supermarket floor**

After a customer slipped and fell, it was alleged that the cleaner should have dried the supermarket floor before moving on to the next area, during a busy period, being lunchtime of a weekday. *Avonmore Supermarket CC v Venter* 2014 (5) SA 399 (SCA)

##### **Admission to be an attorney**

The applicant sought to review the decision not to register his articles when he was still on parole after a conviction of murder, robbery and the illegal possession of a firearm. *Thukwane v Law Society, Northern Provinces* 2014 (5) SA 513 (GP)

Another applicant applied to be readmitted as an attorney, after his release on parole. His convictions had been for various counts of fraud. *Mtshabe v Law Society of the Cape of Good Hope* 2014 (5) SA 376 (ECM)

#### *SOUTH AFRICAN CRIMINAL LAW REPORTS*

##### **Sentencing factors**

Covered in this judgment are the effect of the period spent in prison awaiting trial, and the non-parole period. The deceased was a prominent member of society who fought corruption, and was murdered for reward. On appeal, the accused's sentence of 12 years was replaced with one of 20 years. *Director of Public Prosecutions, North Gauteng: Pretoria v Gcwala and Others* 2014 (2) SACR 337 (SCA)

##### **Aggravating circumstances in robbery**

*S v Mdaka* 2014 (2) SACR 393 (KZP) looks at a case where the accused used a large stone, and whether this was a dangerous weapon, and in deciding, the court used a test that was both objective and subjective.

*S v Hlongwane* 2014 (2) SACR 397 (GP) examines the expression 'wielding a firearm' and how restrictively this should be interpreted, and it was found that something more than mere possession or holding was required.

### **Money laundering**

How does the state prove that moneys were proceeds of crime? The state can either prove that the moneys were derived from conduct of a specific kind, which was unlawful; or by evidence of circumstances in which moneys were handled, that gives rise to an irresistible inference that they could only be derived from crime. *S v Imador* 2014 (2) SACR 411 (WCC)

### **WE WELCOME YOUR FEEDBACK**

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Kind Regards

**The Juta Law Reports Team**

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