CAS: BROOKLYN
429/05/2015

J175 (81/810713)

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

1. 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.

2. 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 [redacted]			
Gender	**Male**	Occupation	**Member of Parliament**
Age	**67**	Id No.	[redacted]

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**

3. **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

4. 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.

.....
Date stamp of issuing office

2016 -10- 10

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 | | | | | | | | | | | | | |

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.

ANNEXURE "B" Case no: /2016

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 18th 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 7th 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 1st 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 2011with Mr Visvanathan Pillay as it still had a period of a year to run to conclusion and thereby committing fraud.