

Media Statement



Tel: +27 12 845 6000

Email:
media@npa.gov.za

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria

www.npa.gov.za

TO: ALL MEDIA

DATE: 07 DECEMBER 2017

RE: FORMER ATTORNEY SENTENCED FOR HIJACKING A BUILDING

The Johannesburg Regional Court sentenced a former attorney to 15 years direct imprisonment and his co-accused to 8 years for hijacking a building in the inner-city of Johannesburg on 06 December 2017.

The court heard how accused one, Sinethemba Vusumuzi Mkhumbuzi and a former attorney, Kenneth Phuthuma Ntila, falsely and with intent to defraud, pretended to William Mailula and the Trust for Urban Housing Finance [TUHF] that they were entitled to sell the property known as Angus Mansions, situated at 268 Jeppe Street Johannesburg, on behalf of Philani Ma Africa; therefore inducing William Mailula to loan the amount of R 3, 028, 750, to effect the transfer and registration of the property.

The law dictates that, for fraud in excess of R500 000, committed by a group of people in furtherance of a common purpose, the minimum sentence that should be imposed is 15 years direct imprisonment. The court deviated from this minimum prescribed sentence in respect of accused one as there were compelling and substantial circumstances that includes amongst others, the fact that Mkhumbuzi was an awaiting trial prisoner since 2009. Bail was refused as he was sentenced to four years imprisonment for another case of fraud, a sentence he is currently serving prior to the one meted by Johannesburg court yesterday.

Though Ntila was found by the court to be a primary caregiver to his 2 grandchildren and a father to his 19 children, State Advocate, Faghre Mohammed, submitted case law that allows the court to sentence Ntila to a direct imprisonment term. Contained in the case law of S v De Villiers is the fact that the court has a duty to investigate how the circumstances of the children will/can be affected by the imposition of a direct imprisonment to their primary caregiver. In this case, the court found that the children are mostly adults and can fend for themselves and furthermore, that the ex-wife of Ntila is in a position to care for the minor children.

The court was shocked by the inhumane crime committed by both accused who threw the poor out in the cold, with no alternative accommodation, resulting in the death of an elderly resident of Angus Mansion.

“The City of Johannesburg (COJ) is faced with a challenge of improving access to affordable housing within the inner city and the increase in building hijackings further strains the municipality’s efforts to realise this goal. Once these challenges are mitigated, COJ will be in a better position to meet the increasing need for quality low-income housing”, Cllr Herman Mashaba: 2017.

The Director of Public Prosecutions (DPP) in the Gauteng Local Division, Andrew Chauke says the NPA remains committed in reducing the burden of the COJ by prosecuting those who commit crimes that have a negative impact on service delivery.

Kind Regards,

Hurbetin Phindi Louw-Mjonondwane

Regional Spokesperson: DPP South Gauteng

Enquiries: hlouw@npa.gov.za

083 402 4787