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TO: ALL MEDIA

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RE: MAN SENTENCED AFTER CAPITEC BANK LOST THOUSANDS OF RANS DUE TO FRAUD

The Bellville Commercial Crimes Court has sentenced Bigboy Ndlovu to ten years imprisonment after convicting him on seven counts of identity fraud, six counts of fraud, nine counts of forgery and four counts of money laundering.

Ndlovu was sentenced to two years for the seven counts of identity fraud taken together, two years for the six counts of fraud taken together, two years for the nine counts of forgery taken together, four years of which two years was suspended for four years for the four counts of money laundering. The court ordered the sentences of fraud and forgery run together. This means the accused will effectively serve six years. Ndlovu was further declared unfit to possess a firearm in terms of Section 103(10) of Act 60 of 2000.

Advocate Denzyl Conmbrink who successfully prosecuted the matter told the court that Ndlovu's modus operandi was similar in that he approached different Capitec Bank branches to open various bank accounts on his behalf with fraudulent identity documents, three-month bank statements and documents purporting to be his proof of residential address.

The identity documents of the victims were defaced by the accused by replacing their original photograph with a photograph of himself before applying for these bank accounts and loans. All other supporting documents were also forged.

The accused applied for loans from Capitec Bank. Once these bank accounts were opened and the monies were directly transferred into these accounts he then withdrew and/or utilised the monies after it was paid into the different bank accounts. These funds

were regarded as proceeds of crime as the loans were obtained with falsified documents. Capitec Bank suffered actual loss in the amount of **R55 484.19**.

The accused decided to make formal admissions in terms of Section 220 of the Criminal Procedure Act, to the contraventions of the Identification Act, fraud and forgery, after two of the victims whose identity documents were either lost or stolen testified. He refused to make any admissions in relation to the money laundering counts therefore the state was obliged to call the expert witness employed at Capitec Bank, Mark Hamilton, to prove these allegations against the accused. He was directly linked to these crimes *via* his fingerprints that was stored on the biometric system of Capitec Bank.

"We emphasised to the court the seriousness of these crimes, the impact it had on the victims whose identity documents were used to open these bank accounts and applied for the loans as well as the impact on Capitec Bank and the economic strain it placed on the greater community. We further submitted the fact that the accused made formal admissions could not be regarded as remorse as he was directly linked to these crimes *via* his fingerprints. We then argued for long-term direct imprisonment as the only appropriate sentencing option under these circumstances. The court agreed with this sentiment and sentenced the accused accordingly," Advocate Combrink said.

The NPA welcomes this sentence.

Kind Regards,

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