

Media Statement



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TO: ALL MEDIA

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RE: NPA APPEALS DECISION OF CAUTION AND DISCHARGE AGAINST A FATHER WHO SHOT AND KILLED HIS OWN SON

The Director of Public Prosecutions (DPP) in Pretoria views a sentence of caution and discharge imposed on a Vanderbijlpark man, Coert Johannes Kruger as shockingly inappropriate and has successfully applied for leave to appeal the sentence of caution and discharge on a conviction of murder in terms of Section 310A of the Criminal Procedure Act 51 of 1977, and the court has granted the application.

The accused shot and killed his own son, Coert Johannes Kruger Junior who was on the roof of his grandmother's house on the evening of 22 March 2019. He pleaded guilty to a charge of murder and explained that he reacted to an alarm activation at his mother's house (grandmother to the deceased) and met with a security guard from the Security Company that called him earlier. After an investigation, the accused and the security guard located a person on the roof and he immediately shot at him, only to realise at a later stage that it was his own son.

In terms of the law, the grounds for the state to appeal are only limited to a question of law which can be misinterpreted, misdirected or misapplied. In this instance, the NPA is of the view that the Magistrate committed a serious misdirection by not referring to the most recent sentence, where under similar circumstances in a Lenasia case, a father was sentenced to 10 years, suspended in total of 5 years. The accused in that matter fell asleep in the vehicle whilst waiting for his son who attended extra lessons at Fred Norman High School and was awoken by his son's knock on the window but mistakenly shot his son, thinking that he was being robbed of his vehicle.

The great disparity in the two sentences under similar circumstances, both in the Gauteng Division, does not augur well for legal precedent. The principle of stare decisis

is sacrosanct in that the law expounded in one case should be followed in deciding cases with similar material facts, hence the NPA could not leave this matter unchallenged.

The appeal will be enrolled and the date for the hearing will be communicated in due course.

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