

Reg 126/2013
IN THE COURT FOR THE REGIONAL DIVISION OF LIMPOPO

HELD AT LENYENYE

CASE NO. RC 126/2013

In the matter between:

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

Applicant

and

BLUE PLATINUM BENTURES 16 (PTY) LTD

(T/A Bathlabine Brickyard duly represented by MATOME

SAMUEL MAPONYA in his capacity as the Director)

First Defendant

MATOME SAMUEL MAPONYA

Second Defendant

In Re: S v Blue Platinum 16 (Pty) Ltd and Another: Case No. RN 126 /2013

CONFISCATION ORDER IN TERMS OF SECTION 18 OF THE PREVENTION OF ORGANISED CRIME ACT 121 OF 1998

On 21 November 2014

Before Regional Magistrate Madam C Honwana

Whereas:

1. The National Director of Public Prosecutions has authorised that the Honourable Court be requested to hold an inquiry into any benefit that the defendants may have derived from their offence and/or related criminal activities;
2. The court having ordered that an enquiry should be held;

3. The defendants acknowledges that they benefitted from the offence of which they have been convicted;
4. In view of the fact that the applicant recognises that the victim, the National Department of Environmental Affairs has suffered loss of R200 000 as a result of the criminal activities of the defendants; and
5. The parties having reached agreement on the settlement issues and the order to be made.

It is hereby ordered that:

6. In terms of section 18(2)(a) of the Prevention of Organised Crime Act, No. 121 of 1998 (POCA), the value of the defendants' proceeds of unlawful activities is R200 000.00.
7. The amount that might be realised in terms of section 18(2)(b) of POCA is R200 000.00 (the **Confiscation amount**).
8. A confiscation order is hence made in the Confiscation amount.
9. The Confiscation order is payable to the State.
10. The Confiscation order shall be satisfied once the Confiscation amount has been paid to the victim in this matter, the National Department of Environmental Affairs into the following bank account:

Account Holder : Department of Environmental Affairs
Bank : ABSA
Account Number : 1044240072
Branch code : 632005
Reference Number : Maake CAS 268/01/2012

11. The defendants undertakes to pay the Confiscation amount in four (4) separate payments with the first payment to be made on or before 30 November 2014, and the last payment to be made on or before 28 February 2015.
12. Payment of the confiscation order shall be in full and final settlement of any claim for compensation payable by the defendants to the National Department of Environmental Affairs as a result of the acts on which the criminal charges are based in this matter.
13. Within 30 days of the date of the full payment of the confiscation amount by the defendants, the National Department of Environmental Affairs will confirm same in writing to the defendants.
14. It is recorded that the defendants will not oppose any application for a realisation order in terms of section 30 of the POCA should they fail to satisfy the confiscation order. It is recorded that the defendants waives their rights to be notified of such application by the applicant.

15. This order is a civil judgment.

**REGIONAL COURT
MAGISTRATE NAPHUNO**
2014 - 11 - 21
Regional Court Magistrate 1416
Lenyenye LENYENYE 0857
Date: **MAGISTRATE**