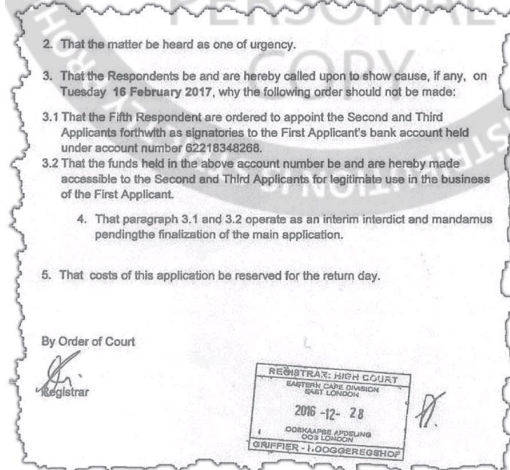


High court order faked to free cash

Judge's signature also forged



By **MALIBONGWE DAYIMANI**
Crime Reporter

THE official court stamp of the East London High Court was allegedly stolen and used on a fake court order to dupe a bank into paying hundreds of thousands from an account frozen by the court.

The money was withdrawn from First National Bank's (FNB) Southernwood Branch in East London after two men submitted the fake order to reactivate the business account.

The account had been frozen on application from a company against the two directors who were alleged by their fellow directors to have been misusing company funds.

A total of R500 000 is alleged to have been taken by the two before and after the forged court order.

The two are alleged in court papers to be company directors of Spot Settlers Development Primary Co-Operative Ltd, which is contracted to the department of public works to clean courts in East London, Komani, Alice and Mthatha.

On Thursday the national Department of Justice opened a fraud case at the Cambridge police station against the two suspects.

Four of the company's directors – Tobani Tapi, 32; Bongiwe Jombolwana, 39; Novuyolwethu Pretty Siwisa, 39; and Nosithembele Patricia Giwu, 41 – alleged that the two directors, Nontobeko Cecilia Njongi, 51, and Mzolisi Maxaza, 45, had resorted to fraud after failing to convince the high court in December last year to grant them powers over the company's business account.

The two directors also failed to get the court to order the unfreezing of the company account.

The account was frozen after the four directors obtained an earlier court interdict preventing Njongi and Maxaza from having access to the account on the basis of allegations they had been misusing company funds.

Njongi and Maxaza could not be reached for comment at the time of writing yesterday.

Njongi and Maxaza approached High Court Judge Igna Stretch to have the funds unfrozen, but on December 23 Stretch dismissed their application.

It is alleged that days later the pair somehow got hold of the court stamp and faked Stretch's signature on an "order" which appointed them as "signatories" to the company bank account.

The fraud allegations were brought to the attention of the court on Wednesday April 26 by the four directors, resulting in Judge Sytze Alkema declaring the order fraudulent and of "no force or effect".

Cambridge police spokesman Captain Muleki Mbi yesterday said the case had also been handed over to the Hawks' commercial crime wing.

Top East London lawyer Loyiso Godongwana, who is representing the five directors, said that according to bank records, the pair immediately started withdrawing R3 000 a day, which was the daily maximum limit for withdrawals.

Yesterday one of the four directors, Novuyolwethu Siwisa, said the bank had been calling her reporting that Njongi and Maxaza were still frequenting the bank despite the pending court case against them.

Yesterday, Hawks spokeswoman Captain Anelisa Feni said: "We are investigating the case."

"However, since the matter is still under investigation no further information will be released at this stage."

Yesterday FNB spokeswoman Dumi Shiburi said, "First National Bank is aware that there is various litigation relating to Spot Settlers Development Primary Co-Operative."

"The bank will continue to comply with any valid court orders."

"Due to client confidentiality, First National Bank does not comment on any matters relating to clients in the public domain." — malibongwed@dispatch.co.za