

IN THE SUPREME COURT OF SOUTH AFRICA

EASTERN CAPE DIVISION.

In the matter:

TOMMY CHARLIMAN VERSUS THE STATE.

JENNETT. J.P.

The appellant was convicted on four counts, namely being a member of an unlawful organisation, the African National Congress, contributing or soliciting subscriptions for the benefit of such organisation, taking part in the activities of the organisation and knowingly allowing his house to be used for meetings of the organisation.

A sentence of two years imprisonment was imposed on each count.

In the notice of appeal on which the appeal was argued only the validity of the conviction on the second count was attacked. That attack was based on three grounds. It was contended that the evidence did not establish ^{that} any funds subscribed or collected by appellant were for the benefit of the organisation. In our view the evidence showed that the subscriptions were designed for one purpose only namely that of assisting the organisation. Then it

was.....

Put in
Judgments
file

2.

was argued that only one of the two witnesses present at the meeting when the subscriptions had been collected mentioned the payment of moneys. It is, however, apparent that both witnesses dealt with the whole concept of raising money by means of parties and concerts and the failure by one of them to mention specifically the collection of money at the meeting was not material. Finally it was said that the Magistrate's questions of the witness who had mentioned the collection of money at the meeting were improper in that he introduced the term subscriptions whereas the witness had not referred to the payments as subscriptions. As the earlier evidence of the witness shewed that the payments were in the nature of subscriptions there is no substance in this argument.

As to the appeal against the sentences the only argument of substance for appellant was that the cumulative effect of the sentences made them excessive. Because that was the Court's view the sentences on the second, third and fourth counts were reduced to one year's imprisonment in each case.

These are the reasons for the Court's decision given on 28th January, 1966.

I agree.

P.F. O'MAGAN.
JUDGE OF THE SUPREME COURT OF SOUTH AFRICA.

A.C. JENNETT.
JUDGE PRESIDENT, EASTERN CAPE DIVISION.

2 T 24

Collection Number: AD2021

Collection Name: Security trials, Court records, 1958-1982

PUBLISHER:

Publisher: Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa

Location: Johannesburg

©2017

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

This collection forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa.