

**Republic v Snoopy's Mini Market
(1997) SLR 60**

Alexia ANTAO for the Republic
Respondent in person

Judgment delivered on 21 March 1997 by:

ALLEEAR CJ: Snoopy's Mini Market, represented by Mr Romeo Quatre, was charged with failing to pay compensation contrary to section 80(2) (n) of the Employment Act 1990 and punishable under section 81 (1) of the Employment Act 1990. The particulars of the offence were as follows:

Whereas during the month of April 1991 Snoopy's Mini Market (Pty) Ltd. represented by Mr Romeo Quatre, without reasonable cause failed to pay Ms Brigitta Volcere the sum of R5702.76 being compensation as determined by the competent officer as follows:

- (i) Compensation for length of service,
- (ii) one month's salary in lieu of notice,
- (iii) arrears of salary,
- (iv) accrued leave.

Mr Romeo Quatre, initially pleaded not guilty to the charge. Subsequently after several postponements, Mr Quatre claims that he was pressurised by the Senior Magistrate to change his plea and he pleaded guilty. If what Mr Quatre says is correct and true then this is a practice which must stop immediately. Nobody has a right to put pressure upon an accused person so as to make him or her change his or her plea. An accused must plead freely without fear of any retributive action on the part of the court.

After Mr Quatre changed his plea the Senior Magistrate sentenced him to a conditional charge for a period of two years with effect from 4 November 1994. This sentence was in express breach of section 82 (4) of the Employment Act 1990 which states:

Wherever any person (including a legal person) is convicted of an offence under this Act and in connection with that offence monies, whether consisting of wages, compensation, benefits earned, payments in lieu of notice or otherwise, are due and payable to another person in respect of whom the offence has been committed, the Court shall, in addition to any penalty imposable under this Section order the person convicted to pay to the other person the monies due.

By failing to order Snoopy's Mini Market, represented by Mr Romeo Quatre, to pay the sum owed to Ms Brigitta Volcere, the Senior Magistrate erred in law. The prosecution applied for revision of the decision of the Senior Magistrate and this Court acceded to the request for revision. In exercising its powers of revision, the Supreme Court can alter or revise an order already made. Hence in addition to the sentence imposed on Mr Romeo Quatre I order Snoopy's Mini Market, represented by Mr Romeo Quatre to pay Ms Brigitta Volcere the sum owed to her i.e. R5,702.76 as determined by the competent officer.

Revision case no 5 of 1996