

SOUTH AFRICAN POLICE SERVICE



PART A 1

PREAMBLE TO STATEMENT

Station DIEP RIVER		CAS no. / 02 / 2026	
PERSONAL PARTICULARS			
Title	M R	Initials	J S
Surname		NOKO	
First names JONATHAN SIVIWE			
Identity number	9 0 0 2 2 0 6 1 4 4 0 8 8	Race	A ☐ Br ☒ W ☐ Other ☐
Passport number		Country of issue	
Date of Birth	1 9 9 0 0 2 2 0	Age	
Nationality	SOUTH AFRICAN	Gender	☒ M ☐ F ☐ L ☐ G ☐ B ☐ T ☐ I ☐ Q
Citizenship		SOUTH AFRICAN	

I am/am not a member of the SAPS with PERSAL no* ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

RESIDENTIAL ADDRESS			
Street name			
Building/farm/plot/place			
Suburb/Extension/Area	N/A		
Town/City			Postal Code ☐ ☐ ☐ ☐
Telephone number	Home Code ☐ No ☐	Work Code ☐ No ☐	
Cellphone number		Fax Code ☐ No ☐	

ADDRESS - WORK/BUSINESS/INSTITUTION/ORGANISATION			
Name of Institution/Organisation CAPE OF GOOD HOPE - SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS			
Street name C/O FIRST ROAD & 1ST AVENUE			
Building/farm/plot/place SPCA BUILDING			
Suburb/Extension/Area GRASSY PARK			
Town/City CAPE TOWN			Postal Code 7 9 4 1
Telephone number	Home Code ☐ No ☐	Work Code 021 No 700 4158 / 9	
Cellphone number	074 658 8894	Fax Code 021 No 705 2127	
Would you like to receive information regarding this case via sms? ☒ Yes ☐ No			

SERVICES RENDERED ON INITIAL REPORTING			
Psycho-social Services	☐ Y ☐ N	Medical	☐ Y ☐ N
Shelter		☐ Y ☐ N	
Other:(Indicate).....			

PLEASE INDICATE WHETHER THE VICTIM HAS ANY OF THE FOLLOWING DISABILITIES			
Vision impairment (blind, partially sighted)	☐	Hearing impairment (deaf or hard of hearing)	☐
Mental impairment (Down Syndrome, Epilepsy, Autism, Psychiatric)	☐		
Physical impairment (Limping, using wheelchair or crutches, leg amputation, arm amputation)	☐		
Albinism	☐		
Multiple Disabilities	Specify if multiple ☐		

CONTACT PERSON (IF APPLICABLE)*			
Title	M R	Initials	J H J
Surname		PIETERSE	
Telephone number	Home Code 083 No 678 8460	Fax Code 021 No 700 4158 / 9	

Date

Member's Signature (Rank, Name, Surname)

In case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
 In case of theft of a firearm the statement must be continued on form SAPS 3M(d).
 In all other cases the statement must be continued on blank folio paper.

SOUTH AFRICAN POLICE SERVICE



PART A 1

STATEMENT

Station DIEP RIVER CAS no. 02 2026

The following particulars in respect of the offence/incident is supplied:

PARTICULARS OF OFFENCE/INCIDENT	
Date and time of offence/incident	2 0 2 6 0 1 2 6 - 1 0 0 0 Or Period between on
and on	Day of week Su M T W T F S

Description of Offence/Incident CONTRAVENTION OF THE ANIMAL PROTECTION ACT, 71 OF 1962
SECTION 2(1) (a), (q) and (r)

Method used/Entrance gained ILL-TREAT / BEAT A DOG

Type of instrument used ANIMAL - DOG

SCENE OF CRIME	
Between: Name of place	
and: Name of place	
or	
Street name	EXMOUTH ROAD
Building/farm/plot/place	69
Suburb/Extension/Area	PLUMSTEAD
Town/City	CAPE TOWN
Geographical block no	
Type of premises	RESIDENTIAL
Postal Code 7 8 0 1	
PLEASE INDICATE WHETHER THE <u>VICTIM</u> ☐ OR <u>ACCUSED</u> ☐ HAS ANY OF THE FOLLOWING	
Vision impairment (blind, partially sighted)	☐
Hearing impairment (deaf or hard of hearing)	☐
Mental impairment (Down Syndrome, Epilepsy, Autism, Psychiatric)	☐
Physical impairment (Limping, using wheelchair or crutches, leg amputation, arm amputation)	☐
Albinism	☐
Multiple Disabilities	Specify if multiple ☐

Date

Signature

In case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
 In case of theft of a firearm the statement must be continued on form SAPS 3M(d).
 In all other cases the statement must be continued on blank folio paper.



AFFIDAVIT

I, the undersigned

JONATHAN SIVIWE NOKO

(ID 900220 6144 088)

Do hereby make oath in English and state that

1. I am an adult male Inspector employed as such by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at corner of 1st Avenue and First Road, Grassy Park with contact telephone number/s 021 700 4158/9 and with email address inspectorate@spca-ct.co.za.
2. On 23 January 2026, the Cape of Good Hope SPCA received a complaint regarding the treatment of dogs at a doggy day care known as "Boarding Buddies Doggie Daycare", situated at 69 Exmouth Road, Plumstead (hereinafter referred to as "the property").
3. The complainant alleged that there was a strong and persistent smell of urine emanating from the daycare, that an illegal dog boarding business was being operated from a residential property, and that the complainant was in possession of video evidence depicting staff members beating dogs with a broom and a leash.
4. The Cape of Good Hope SPCA had previously received a similar complaint in March 2025, which was investigated by SPCA Inspector Rowan Davids. Inspector Davids provided me with an affidavit and a copy of the warning notice issued at the time. The affidavit is attached hereto marked "A2".
5. On 26 January 2026, the complainant provided me with video footage relating to the alleged incidents. I noted that three video recordings were submitted, dated as follows:
 - 5.1. Video 1: 03 January 2026
 - 5.2. Video 2: 09 January 2026
 - 5.3. Video 3: 23 January 2026

I, **Jonathan Siviwe Noko**, do hereby make further oath in English and state that:

6. Upon reviewing the video footage, I observed the following:
 - 6.1. In Video 1, the suspect is seen striking two dogs with a leash.
 - 6.2. In Video 2, the suspect is seen striking a dog with a leash.
 - 6.3. In Video 3, the suspect is seen lifting a dog in a cruel manner and striking dogs with a broomstick.
7. All three videos contain audio recordings. In the audio, the dogs can be clearly heard crying, whimpering, and exhibiting signs of fear and distress. In the footage, the dogs are also observed attempting to flee from the suspect.
8. After reviewing the footage, at approximately 12h00 on the same day, I proceeded to the property.
9. Upon arrival, I called out at the gate, whereupon an adult male staff member presented himself. I introduced myself and requested to speak with the owner. The staff member provided me with the owner's contact number, being 079 713 9403.
10. I contacted the owner telephonically and was informed that she would be available at the property after approximately 30 minutes. I was requested to return later.
11. At approximately 13h00 on the same day, I returned to the property. Upon arrival, the owner had not yet arrived, and I waited for approximately 30 minutes.
12. The owner thereafter arrived and granted me access to the property. She identified herself as Ms Naomi Mbuyi, holder of passport number CTR 001788/00, and contact number 079 713 9403.
13. I introduced myself and explained the nature and seriousness of the allegations. Ms Mbuyi initially stated that neighbours frequently complain about noise caused by the dogs and denied the allegations of abuse.
14. After I presented her with the video evidence, Ms Mbuyi confirmed that the individual depicted in the footage was her employee and acknowledged that the footage showed him beating the dogs. She expressed concern and stated that she would dismiss the employee.
15. Ms Mbuyi summoned the accused, who admitted that he had become frustrated due to complaints from neighbours regarding the dogs making noise. He stated that he was attempting to reprimand the dogs, acknowledged that his actions were excessive, and expressed remorse.
16. I issued a Notice to Comply under reference number 15297, attached hereto marked "A5", which stated, inter alia, that:
 - 16.1. There are reasonable grounds to believe, supported by video evidence, that the accused cruelly beat dogs with a broomstick.

I, **Jonathan Siviwe Noko**, do hereby make further oath in English and state that:

16.2. Such conduct constitutes animal cruelty.

16.3. The conduct contravenes the Animals Protection Act 71 of 1962.

16.4. Further legal action may be taken.

17. The accused signed and accepted the Notice to Comply.

18. The accused's details are as follows:

18.1. Name: Michael Mututi

18.2. Passport Number: AAE50221864Q27

18.3. Contact Number: 069 384 2629

18.4. Residence: Same property as the business premises

19. At the time of my inspection, there were eleven dogs boarding at the facility. I was informed that the dogs would be collected by their owners later that evening.

20. I thereafter requested that the complainant provide an affidavit confirming that she was the individual who supplied the video footage. I collected the said affidavit on 04 February 2026.

21. I hereby request that Mr Michael Mututi be charged under section 2(1)(a) of the Animals Protection Act 71 of 1962 for cruelly beating dogs.

(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal, or causes or procures or, being the owner, permits any of these things to be done;

22. I further request that Mr Michael Mututi and Ms Naomi Mbuyi, as the owner of the business and property, be charged under sections 2(1)(q) and 2(1)(r) of the Animals Protection Act 71 of 1962.

(q) causes, procures or assists in the commission or omission of any act of cruelty, or any act or omission which causes unnecessary suffering to any animal;

and

(r) by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal;

23. I know and understand the content of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

DEPONENT:

I, **Jonathan Siviwe Noko**, do hereby make further oath in English and state that:

The deponent has acknowledged that he/she knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at _____ on this the _____ day of _____ 20____, in compliance with the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended.

COMMISSIONER OF OATHS:

Full Name: _____

Designation: _____

Business Address: _____

Incorporated Association not for gain

Co. No. 1939/013624/08
NPO 003-244 • PBO 930004317



Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
P O Box 3, Plumstead, 7801
Tel: 021 700 4140
Fax: 021 705 2127
enquiries@spca-ct.co.za
www.capespca.co.za

AFFIDAVIT

I, the undersigned

**ROWAN JADE-LEE DAVIDS
(ID 9007315231080)**

Do hereby make oath in English and state that:

1. I am an adult male Inspector employed as such by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at corner of 1st Avenue and First Road, Grassy Park with contact telephone number/s 021 700 4158/9 and with email address inspectorate@spca-ct.co.za.
2. The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.
3. On 12 March 2025, the Cape of Good Hope SPCA received a complaint regarding a property situated at 69 Exmouth Road, Plumstead, operating as a doggy day-care known as Boarding Buddies Day-Care.
4. The complaint alleged that multiple dogs were allegedly being kept together in a single kennel, engaging in fence fighting, and that staff or owners were allegedly beating dogs with ropes to keep them quiet. The complainant further alleged that a brown dog on the property was continuously crying, moaning, and sounded to be in distress.
5. On 20 March 2025, I conducted a full inspection of the aforementioned property. Upon my arrival, I met with the owner, who identified herself as Ms Naomi Mbuyi.
6. During my inspection, I observed that all animals on the property appeared to be in good body condition. Adequate water and shelter were available, and the living environment was clean and well maintained.
7. I addressed the allegations relating to the alleged beating of dogs with the owner. Ms Mbuyi stated that she does not tolerate such behaviour and indicated that she would review the surveillance camera footage to determine whether any such conduct had taken place.
8. Ms Mbuyi further informed me that she had previously dismissed a staff member for pulling a dog on a leash.
9. As a precautionary measure, I issued a warning notice under reference number 22137 for future reference.
10. The warning notice stated that it had been brought to our attention that dogs were allegedly being beaten, and that should this be proven or supported by evidence, such conduct would need to cease immediately, failing which action may be taken in terms of the Animals Protection Act 71 of 1962.

I, Rowan Jade-Lee Davids, further state under oath and in English that:

11. At the time of my inspection, no contraventions of the Animals Protection Act 71 of 1962 were observed, and no evidence supporting the allegations of abuse was found. As no further action was deemed necessary, the case was closed.

12. I know and understand the content of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at _____ on this the _____ day of _____ 20____, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

Full names: _____

Designation: _____

Business address: _____



**AFFIDAVIT
SOUTH AFRICAN POLICE SERVICE**

I, DESRIN LEZIL BOOYSEN ID NO: 8505280176082
AGE 40 GENDER FEMALE RESIDING AT 71 EXMOUTH ROAD, PLUMSTEAD

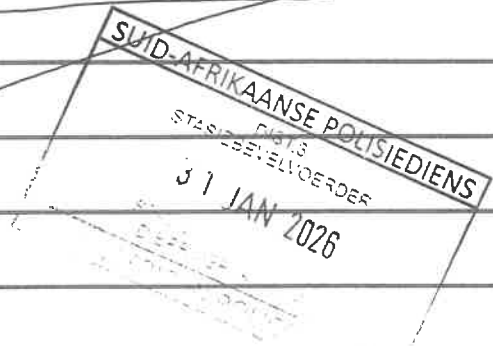
TEL: _____ CELL: 083 4890255

EMPLOYED AT CLICKS

TEL NO: 021 4601911

STATES UNDER OATH / AFFIRM IN ENGLISH THAT:

I, Desrin Lezil Booysen, provided video footage to the SPCA on Monday 26 January 2026 at 10h51. This footage was obtained from my home cctv (ring) camera.



I know and understand the contents of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

Booyesen

SIGNATURE :DEPONENT

I certify that the above statement was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to/affirmed before me and the deponent's signature/mark/thumbprint was placed thereon in my presence at DIEPRIVIER SAPS on 2026-01-31

at 11:55



COMMISSIONER OF OATHS

FULL NAMES AND SURNAME

187 RANK

SCREENSHOTS FROM VIDEO FOOTAGE

VIDEO 1

03/01/2026



Figure 1 - Still image of accused 1 standing near the dogs

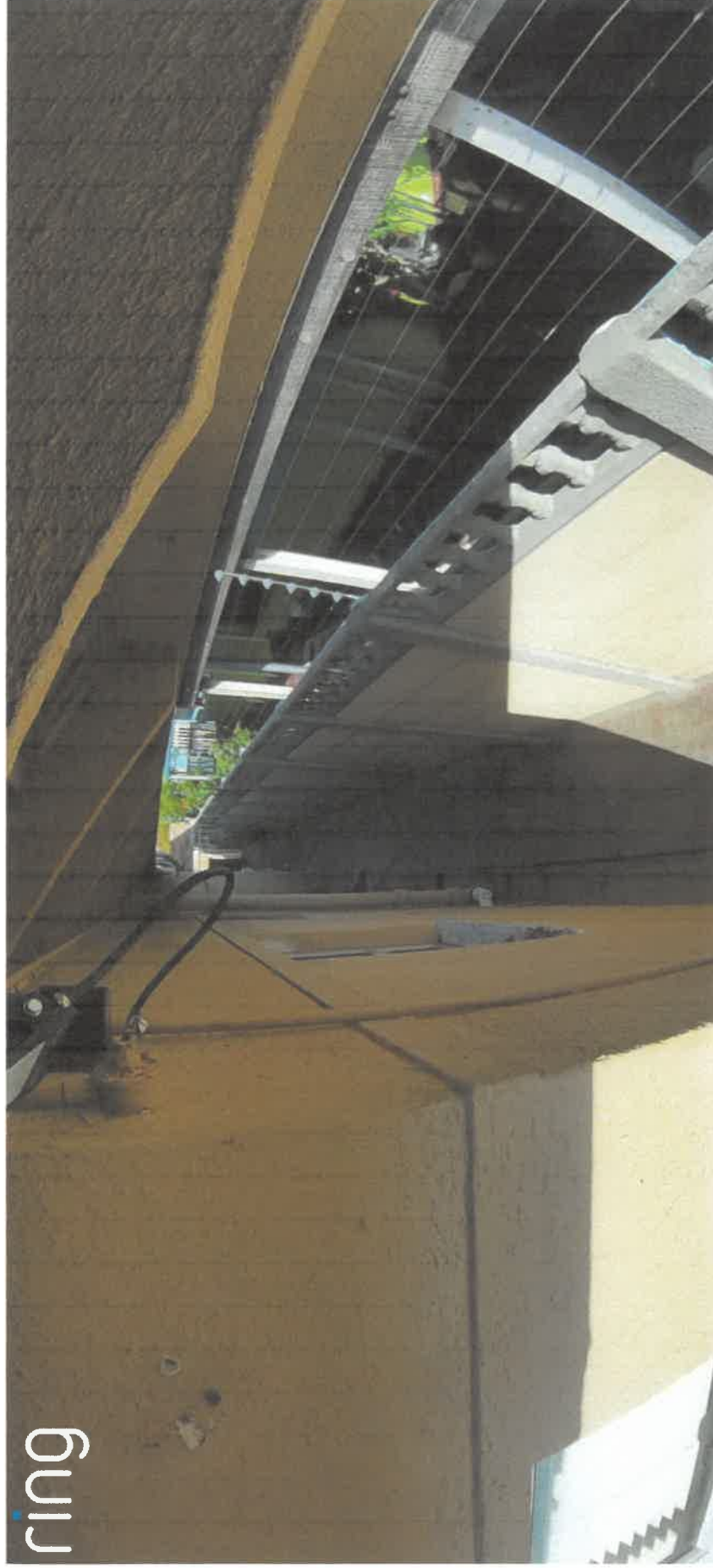


Figure 2 - Accused 1 striking the dogs

SCREENSHOTS FROM VIDEO FOOTAGE

VIDEO 2

09/01/2026

ring

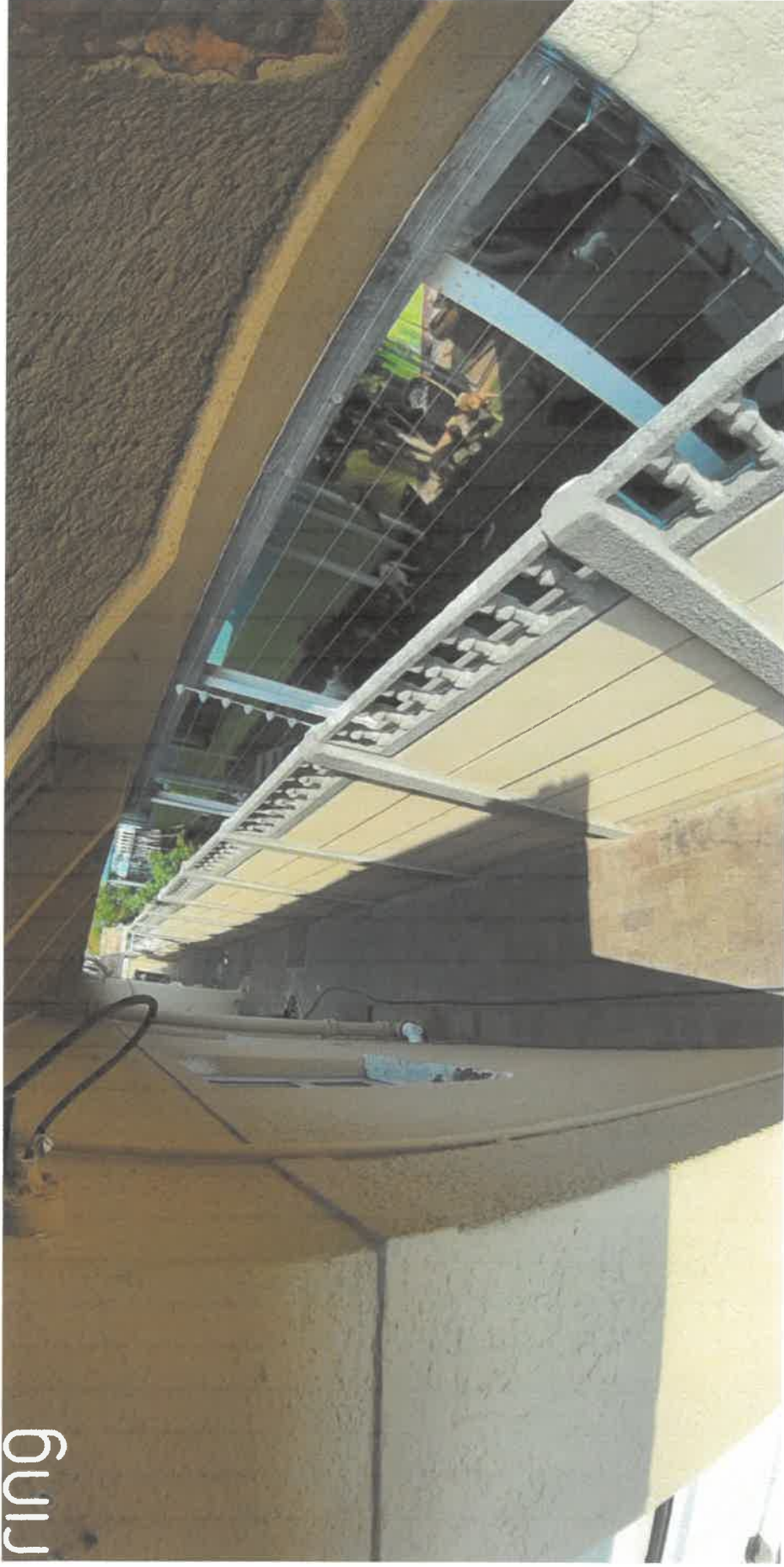


Figure 3 - Accused 1 preparing to strike the dogs with a leash

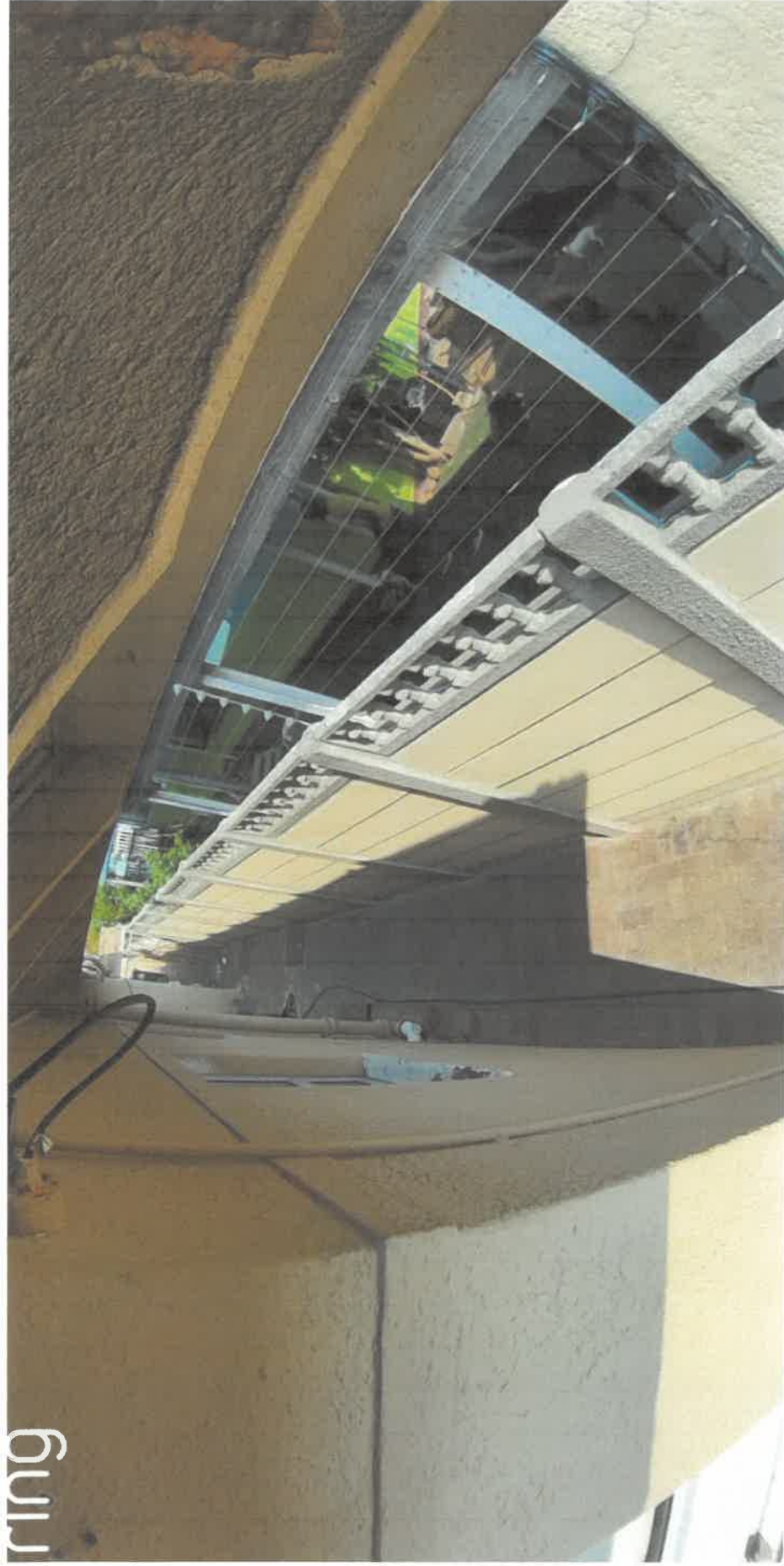


Figure 4 - Accused 1 striking the tan dog

SCREENSHOTS FROM VIDEO FOOTAGE

VIDEO 3

23/01/2026

ring



Figure 5 - Accused 1 cruelly picking up the white and brown dog

ring



Figure 6 - Accused 1 hitting the dog with a broomstick

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

Reg. No. 003-169 NPO

1450
Alberton
1450
Republic of South Africa
☎ (011) 907 3590/12/3
Fax: (011) 907 4013
E-mail: nspc@nspca.co.za
Website: <http://www.nspca.co.za>

ANIMALS PROTECTION ACT 71 of 1962

MAGISTERIAL AUTHORISATION

By virtue of the powers vested in me under section 8(1) of the Animals Protection Act 71 of 1962, I hereby authorise

JONATHAN SIVIWE NOKO

ID No. 900220 6144 088

A Qualified Inspector and an Officer for the **CAPE OF GOOD HOPE SPCA (Society for the Prevention of Cruelty to Animals)**, to exercise within the Magisterial District of **WYNBERG (WC)**, all or any of the powers conferred by the said Act, and in particular those under Section 8(1)(a), (b), (c) and (d) and supporting Regulation No R468 2.(1), for the purpose of carrying out his/her duties as an Officer of the SPCA.

This Authority will remain enforceable only whilst the Appointee is authorised by the **NATIONAL COUNCIL OF SPCAs** to act on its behalf.

Given under my hand this 18 day of APRIL 2019

Official Stamp to go here

Name Hafiza Mohamed

Holder's Photograph

Signed [Signature]



SPCA NATIONAL COUNCIL
Certificate of Competency
No. **12564**



Incorporated Association not for gain

Co No. 1939/013624/08
NPO 003-244 • PBO 930004317



Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
PO Box 3, Plumstead, 7801
Tel: 021 700 4140
Fax: 021 705 2127
inspectorate@spca-ct.co.za
www.capespca.co.za

WARNING

22137

To: Mr / Mrs / Ms <u>Nicmi Mkhayi</u>	Date <u>20/05/2025</u>
Address <u>EXHIBITION ROAD PLUMSTEAD</u>	
	ID No
Tel No	Cell No
Veh Reg No	Trailer Reg No

You are hereby warned: (Please pay attention to all the points on this warning, even those not ticked)

- ☐ 1. To provide the animal/s with adequate food on a daily basis.
- ☐ 2. To provide the animal/s with sufficient potable water 24 hours a day.
- ☐ 3. To provide the animal/s with adequate shelter against the elements within _____ hours / days.
- ☐ 4. To provide the sick or injured animal/s with adequate veterinary treatment within _____ hours and provide the SPCA with a veterinarian report within the given time frame.
- ☐ 5. To clean and hygienically maintain the animal/s living environment within _____ hours.
- ☐ 6. To groom the animal/s within _____ hours and keep them in a fit and healthy state at all times.
- ☐ 7. To untie/unchain the animal/s immediately to roam freely inside the property or as a last resort place the animal/s on a "running chain" within _____ hours / days.
- ☐ 8. Possible abandonment of animal/s on the property is suspected.
- ☐ 9. Tail / ear maiming or any other surgical mutilation is not permitted on animals.
- ☐ 10. Baiting, inciting or provoking any animal to attack another animal or to allow any animal to attack another animal is not permitted.
- ☐ 11. No animal may be trained, exhibited or used for safeguarding without being in possession of a valid licence that is issued in terms of the Performing Animals Protection Act 24 of 1935. The use of animals for training, exhibition or safeguarding must cease with immediate effect until the said licence is obtained.
- ☐ 12. To refrain from leaving your animal inside a vehicle unattended.
- ☐ 13. To contact SPCA Inspector _____ on **021 700 4158** or **021 700 4159** within _____ hours / days to discuss the concerns.
- ☒ 14. Other / remarks:

*Handwritten note: It is to be noted that the animal allegedly
has a dog's head and this is not a dog. It is not a SPCA
animal. Should be returned QUIDER to the owner. Please
note, we are not responsible for the animal's safety.
Thank you for your cooperation.*

This warning has been issued in terms of the Society for the Prevention of Cruelty to Animals Act 169 of 1993.

Failure to comply with this warning may render you liable for prosecution under the Animals Protection Act 71 of 1962 and / or Performing Animals Protection Act 24 of 1935.

Any person who:- obstructs, hinders or resists an officer authorised in terms of the Animals Protection Act 71 of 1962 or conceals any animal shall be guilty of an offence in terms of Section 8(4) of the aforementioned Act.

SIGNED & ACCEPTED BY: [Signature]
PLACE: [Signature] TIME: 13:50
INSPECTOR: [Signature]

Incorporated Association not for gain

Co No. 1939/013624/08
NPO 003-244 • PBO 930004317



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Cnr 1st Avenue & 1st Road, Grassy Park, 7941
PO Box 3, Plumstead, 7801
Tel: 021 700 4158/9
Fax: 021 705 2127
inspectorate@sPCA-ct.co.za
www.capesPCA.co.za

NOTICE TO COMPLY

To: Mr / Mrs / Ms <u>Michael Mututi</u>	Date <u>26/01/2006</u>
Address <u>69 EXMOUTH ROAD, PLUMSTEAD</u>	ID No <u>AAE50221864Q2</u>
Tel No	Cell No <u>0693842629</u>
Veh Reg No	Trailer Reg No

You are hereby instructed to:

15297

We have reasonable grounds to believe, and evident proof, that you have cruelly beaten a dog with a broomstick. This act contravenes the law which protects animals from abuse and neglect.

You are notified that such conduct constitutes animal cruelty and is a violation of Animals Protection Act No. 71 of 1962.

We might take further legal action against you.

This Notice to Comply has been issued in terms of the Society for the Prevention of Cruelty to Animals Act No 169 of 1993.

SIGNED & ACCEPTED BY: [Signature]

PLACE: PLUMSTEAD

TIME: 13:37

REPRESENTATIVE: Chris Roca

SPCA: Cape



AFFIDAVIT

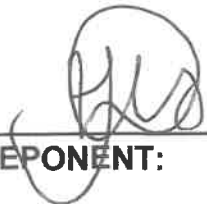
I, the undersigned

JUSTIN DE VOS

(ID 960306 5072 086)

Do hereby make oath in English and state that

1. I am an adult male, Identity Number 9603065072086, and I am employed by the Cape of Good Hope SPCA as the Prosecutions Lead.
2. My place of employment is situated at the corner of First Avenue and First Road, Grassy Park. I am contactable via email at insp7@spca-ct.co.za and/or telephone number 021 700 4158/9.
3. On 12 February 2026, in the course and scope of my official duties, I downloaded video footage that was submitted to the Cape of Good Hope SPCA by a complainant.
4. The video footage forms part of an ongoing investigation relating to allegations of animal cruelty at 69 Exmouth Road, Plumstead.
5. Upon receipt, I downloaded and saved the video footage onto a Kioxia TransMemory 32GB flash drive for evidentiary and investigative purposes.
6. I confirm that the video footage was downloaded in its original format and that it has not been edited, altered, manipulated, enhanced, or tampered with in any manner whatsoever.
7. I know and understand the content of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.


DEPONENT:

The deponent has acknowledged that he/she knows and understands the contents

I, **Justin De Vos**, do hereby make further oath in English and state that:

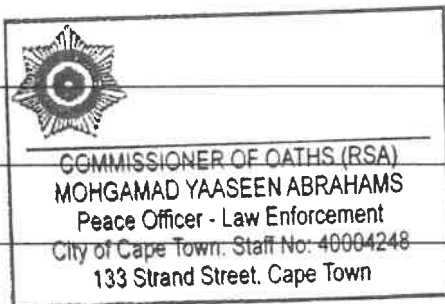
of this affidavit/declaration, which was signed and sworn to before me at
GRASSY PARK on this the 12 day of FEBRUARY 2026, in
compliance with the regulations contained in Government Notice No R1258 of 21
July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as
amended.


COMMISSIONER OF OATHS:

Full Name: _____

Designation: _____

Business Address: _____



Case No/Saak Nr:
Count No/Aanklag Nr: 1

THE STATE versus
MICHAEL MUTUTI (ACC 1)

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(a) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **26 JANUARY 2026** and at or near **69 EXMOUTH ROAD, PLUMSTEAD** in the District/Regional Division of **WYNBERG**, the accused did unlawfully: -

- overload / overdrive / ill-treat / infuriate / torture / maim / cruelly beat / kick / goad / terrify **to wit the TWO (2) black dog and tan dog** in their care by beating the dog with a broomstick
- neglect **to wit the TWO (2) black dog and tan dog** in their care by failing to fulfil their most basic duties of care as the owners of such animal/s.

Penalty provision:

An unspecified fine not exceeding R40 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 12 months (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

Case No/Saak Nr:
Count No/Aanklag Nr: 2

THE STATE versus
MICHAEL MUTUTI (ACC 1)
NAOMI MBUYI (ACC 2)

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(q) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **26 JANUARY 2026** and at or near **69 EXMOUTH ROAD, PLUMSTEAD** in the District/Regional Division of **WYNBERG**, the accused did unlawfully: -

- cause / procure / assist in the commission / the omission of *relevant offence to wit the TWO (2) black dog and tan dog.*
- being the owner of their animal/s, permitted the commission / omission of *relevant offence to wit the TWO (2) black dog and tan dog*

Penalty provision:

An unspecified fine not exceeding R40 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 12 months (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

Case No/Saak Nr:
Count No/Aanklag Nr: 3

THE STATE versus
MICHAEL MUTUTI (ACC 1)
NAOMI MBUYI (ACC 2)

(Hereinafter referred to as the accused)

CRUELTY TO ANIMALS

THAT the accused is/are guilty of the crime of contravening of Section 2(1)(r) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 (where applicable).

IN THAT on **26 JANUARY 2026** and at or near **69 EXMOUTH ROAD, PLUMSTEAD** in the District/Regional Division of **WYNBERG**, the accused did unlawfully: -

- did / omit to do wantonly / unreasonably / negligently *relevant action* thereby causing unnecessary suffering **to wit the TWO (2) black dog and tan dog.**
- cause / procure the commission / the omission of *relevant action* which caused unnecessary suffering **to wit the TWO (2) black dog and tan dog**

Penalty provision:

An unspecified fine not exceeding R40 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 12 months (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).



ATT: Public Prosecutor,

CHARGES IN TERMS OF THE ANIMALS PROTECTION ACT NO 71 OF 1962

In the case of the State versus:

- MICHAEL MUTUTI (ACC 1).
- NAOMI MBUYI (ACC 2).

The Cape of Good Hope Society for the Prevention of Cruelty to Animals (SPCA) request that the accused be charged for animal cruelty in terms of the following Sections of the **Animals Protection Act No 71 of 1962**:

IN RESPECT OF ACCUSED 1:

SECTION 2

Offences in respect of animals - (1) Any person who:

(a) overloads, overdrives, overrides, **ill-treats**, neglects, infuriates, **tortures** or maims or **cruelly beats**, kicks, goads or terrifies **any animal**;

- *The accused was seen on video footage beating a dog*

(q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act;

(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal;

IN RESPECT OF ACCUSED 2:

SECTION 2

Offences in respect of animals - (1) Any person who:

(q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act;

(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal;

- *The accused is the owner of the doggy day-care and thus is liable in respect of the alleged offence*

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

(2) For the purposes of sub-section (1) the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section.

Please do not hesitate to contact us for further information or clarification.

Kind regards,

Justin De Vos
Inspectorate Department
CAPE OF GOOD HOPE SPCA



INVESTIGATION DIARY * ONDERSOEKDAGBOEK

Station Stasie	DIEP RIVER	CAS no MAS no	02 / 2026
Date and Time Datum en Tyd	Particulars of investigation / Enquiry Besonderhede van ondersoek / Navraag	Reference Verwysing	
	FIC AS PER	A1	
	COMPLAINANT: SPCA INSPECTOR JONATHAN SIVIWE NOKO CAPE OF GOOD HOPE SPCA CORNER FIRST ROAD AND FIRST AVENUE, GRASSY PARK 083 326 2377		
	WITNESS: AS PER SPCA INSPECTOR ROWAN DAVIDS	A2	
	COMPLAINT: CONTRAVENTION OF ANIMAL PROTECTION ACT 71 of 1962 Section 2(1) (a), (q) and (r)		
	SCENE: BOARDING BUDDIES DOGGIE DAYCARE 69 EXMOUTH ROAD, PLUMSTEAD		
	ACCUSED: (1) MICHAEL MUTUTI (2) NAOMI MBUYI		
	Photographic/Video Evidence		
	Confirmatory affidavit from the complainant	A3	
	Magisterial Authorisation	A4	
	Notice to Comply: 15297	A5	
	Warning Notice	A6	
	MODUS: AS PER A1 AND A2		
	Animal Protection Act 71 of 1962	B1	
	Regulation 468	B2	
	Section 92 of Magistrates Courts Act 32 of 1944	B3	
	Adjustment of Fines Act 101 of 1991	B4	
	Gazette No. 37477 of 27 March 2014	B5	
	Section 2(1) of Animal Protection Act 71 of 1962	B6	

[illegible]