

Case Number:

**IN THE REGIONAL DIVISION OF GAUTENG
IN THE REGIONAL COURT HELD AT JOHANNESBURG**

THE STATE

versus

RADOVAN KREJCIR

(hereinafter called the accused)

PREAMBLE

WHEREAS at all times relevant to the charge sheet the Accused was a Czech citizen who also held a Seychelles passport and alleged businessman residing in Johannesburg.

AND WHEREAS at all times relevant to the charge sheet Dr. Marian Tupy was a South African citizen of Slovak decent and a medical doctor specialising in urology. He practiced from the Flora clinic, Johannesburg.

AND WHEREAS at all times relevant to the charge sheet Liberty Group Holdings and more specifically Liberty Life Insurance was an entity who inter alia provided a variety of insurance products to the public and specific clients.

AND WHEREAS at all times relevant to the charge sheet Peter Faulkal was an insurance broker operating from offices situated in Sandton. The Accused was a client of his and he sold him a Liberty Life insurance policy. Dr. Marian Tupy was also his urologist and the Accused and Dr. Marian Tupy was introduced to each other by him.

AND WHEREAS at all times relevant to the charge sheet the Accused took up an insurance policy with Liberty Live Insurance during November 2007 under insurance policy number 59200615135. This inter alia included cover under Living Lifestyle Plus benefits up to the value of R4 900 172-00 on diagnoses of a defined dread disease condition. The proportion of the sum assured paid depended upon the particular condition and its severity level.

AND WHEREAS at all times relevant to the charge sheet the Accused approached Dr. Marian Tupy during April 2008 with a request to create a false patient history with regard to him which would lead to creating a patient profile of that of a person suffering from cancer.

AND WHEREAS at all times relevant to the charge Dr. Marian Tupy agreed to comply with the request of the Accused. Dr. Marian Tupy started creating such a patient file with regard to the Accused and subsequently swapped samples of a patient who indeed suffered from cancer with the samples which belonged to the Accused. He thereby created the false profile that the Accused was indeed sick and suffered from cancer.

AND WHEREAS at all times relevant to the charge sheet the Accused informed Faulkal during May 2010 that he suffered from cancer. During

June 2010 Faulkal provided the Accused with claim forms to claim from Liberty Life in terms of the abovementioned policy. Faulkal submitted the claimant statement completed and signed by the Accused and the medical statement completed and signed by Dr. Marian Tupy to Liberty Life.

AND WHEREAS at all times relevant to the charge sheet and as a result of the claim submitted by the Accused and the supporting medical reports given and provided by Dr. Marian Tupy, Liberty life was induced to believe that the Accused did indeed have cancer and subsequently paid the Accused the amount of R4 579 600-00.

NOW THEREFORE the accused is guilty of the crime as set out below.

COUNT 1

THAT the accused is guilty of the crime of Fraud.

IN THAT during the period April 2008 to July 2010 and at or near inter alia Sandton and/or Braamfontein in the Regional Division of Gauteng, the Accused and Dr. Marian Tupy, directly and/or indirectly, in person and/or through an agent, separately and/or together and in furtherance of a common goal wrongfully, unlawfully and falsely and with the intent to defraud gave out and pretended to Peter Faulkal and/or Lauren Rennie and/or Jamila Hassim and/or Liberty Group Holdings and/or Liberty Life Insurance and/or their employees that:

The Accused was suffering from cancer of the urinary bladder

The medical reports and test results with regard to the medical condition of the Accused submitted by Dr. Marian Tupy was a true and correct reflection of his condition

That the samples submitted by Dr. Marian Tupy for histological tests were samples taken from the Accused

Based on the claim by the Accused and by the medical reports and test results submitted by Dr. Marian Tupy in support of that claim, the Accused was entitled to a benefit under policy number 59261513500

AND did there and then by means of the said false pretence, induce the said Peter Faulkal and/or Lauren Rennie and/or Jamila Hassim and/or Liberty Group Holdings and/or Liberty Life Insurance company and/or their employees to the prejudice and/or potential prejudice of Liberty Group Holdings and/or Liberty Life Insurance company to:

Evaluate and approve the said claim of the Accused under policy number 59261513500, to settle the claim and to authorise payment of the amount of R4 579 600-00 to the Accused; and/or

Effect payment to the amount of R4 579 600-00 into account number 62151483452 on 27 July 2010, which account belonged to the Accused

WHEREAS in truth and in fact the Accused, when he and Dr. Marian Tupy so gave out and pretended as aforesaid well knew that:

The Accused was not suffering from cancer of the urinary bladder

The medical reports and test results with regard to the medical condition of the Accused submitted by Dr. Marian Tupy was not a true and correct reflection of his medical condition

That the samples submitted by Dr. Marian Tupy for histological tests were not samples taken from the Accused, but were samples Dr. Marian Tupy obtained from another patient of his

Based on the claim by the Accused and by the medical reports and test results submitted by Dr. Marian Tupy in support of that claim, the Accused was not entitled to a benefit under policy number 59261513500