



*IN THE HIGH COURT OF SOUTH AFRICA*

**GAUTENG LOCAL DIVISION, JOHANNESBURG**

**CASE NO: 14870/2016**

1. Reportable: No
2. Of interest to other judges: No
3. Revised

Wright J  
9 May 2023

In the matter between:

**TERRIES MALULEKA**

**PLAINTIFF**

**and**

**MINISTER OF POLICE**

**1<sup>ST</sup> DEFENDANT**

**THE NATIONAL DIRECTOR OF PUBLIC PROSECUTION**

**2<sup>ND</sup> DEFENDANT**

**Neutral Citation:** *Terries Maluleka v Minister of Police & Another* (Case No: 14870/2016) [2023] ZAGPJHC 451 (9 May 2023)

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**JUDGMENT – WRIGHT J**

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**WRIGHT J**

1. The defendant seeks a postponement of the trial in this matter.
2. The postponement is sought on the ground that there is pending a consolidation application in which the defendant seeks to consolidate the present action with a related action.
3. The other action was transferred from the Pretoria High Court to this court by order of that court.
4. By way of background, the plaintiffs in the two presently separate actions were prosecutors in Johannesburg who were arrested on charges of attempting to defeat the ends of justice. The charges against them were later withdrawn.
5. The two prosecutors instituted actions for damages for wrongful arrest. One prosecutor instituted action in Pretoria and the other, the present plaintiff before me now, in Johannesburg.
6. The defendant tenders the wasted costs of today.
7. In my view, it would be sensible not to run separate trials about the same matter where there is either a complete or substantial overlap of witnesses.

**ORDER**

1. The trial is postponed sine die.
2. The defendant is to pay the wasted costs of the plaintiff related to the present hearing.

**HEARD : 9 May 2023**

**DELIVERED : 9 May 2023**

**APPEARANCES**

**PLAINTIFF : Mr Nkwinika**

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