

**IN THE HIGH COURT OF SOUTH AFRICA**  
**FREE STATE DIVISION, BLOEMFONTEIN**

Case No: 4449/2013

In the matter between:

**MICHAEL VARIKAS**

Applicant

and

**THE MINISTER OF SAFETY AND**  
**SECURITY N.O.**

1<sup>st</sup> Respondent

**THE PROVINCIAL COMMISSIONER**  
**OF THE SAPS, FS N.O.**

2<sup>nd</sup> Respondent

**THE CHAIRPERSON: THE FS GAMBLING**  
**AND LIQUOR AUTHORITY N.O.**

3<sup>rd</sup> Respondent

**LIEUTENANT-COLONEL THINANE N.O.**

4<sup>th</sup> Respondent

**THE MAGISTRATE, SASOLBURG N.O.**

5<sup>th</sup> Respondent

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**JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL**

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**CORAM:** KRUGER, J

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**DELIVERED ON:** 24 APRIL 2014

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- [1] This is an application for leave to appeal against my judgment given on 22 November 2013. As is the practice in this division where the parties agree, written submissions were made. The applicant's arguments were filed on 11 April 2014 and those of the respondents on 22 April 2014.
- [2] In my judgment I held that the fact that the premises are described as being in the Checkers Complex and not in the adjacent Groenewoud Complex did not make the warrant invalid. Mr Jagga, for the applicant submits that a different court may come to a different conclusion on this point, and may hold that the shop's physical location is the overriding factor. Another point made by Mr Jagga is that another court may find that the warrant is overbroad.
- [3] The application is opposed by the first to fourth respondents, and Ms Wright filed arguments on their behalf. She says the premises were described intelligibly and she points out that the applicant does not allege that there is another business in Sasolburg known as Game Net. As to overbreadth, Ms Wright says the warrant was capable of being understood by a reasonably well-informed person.
- [3] In my view there are reasonable prospects that another court may come to a different conclusion. Leave to appeal should be granted to the full court of this division.

**ORDER**

1. Leave to appeal is granted to the Full Court of this Division.
2. Costs are costs in the appeal.

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**A. KRUGER, J**

On behalf of the Applicant:      Adv N. Jagga  
Instructed by:  
Honey & Partners  
BLOEMFONTEIN

On behalf of the Respondent:      Adv G.M. Wright  
Instructed by:  
State Attorney  
BLOEMFONTEIN

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