

FMT

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE. ~~YES~~/NO

(2) OF INTEREST TO OTHER JUDGES. ~~YES~~/NO

(3) REVISED ☒

9/2/12 DATE

SIGNATURE

9/2/2012

CASE NO: 32531/2001

In the matter between

JOSEPH BUTI MAHLANGU

PLAINTIFF

And

MINISTER OF SAFETY AND SECURITY

1ST DEFENDANT

RICHARDS LEKOTWANA MKWANYANE

2ND DEFENDANT

KENNETH MABUSU

3RD DEFENDANT

JUDGMENT

MSIMEKI, J

[1] The Plaintiff brought an action for damages that he allegedly suffered against the first, second and the

third Defendant's based on malicious prosecution and unlawful arrest and detention.

- [2] Mr M. F. Ackermann represented the Plaintiff while Mr M. Mphaga represented the Defendants.

BRIEF FACTS

- [3] The thrust of the action is contained in paragraphs 7 and 8 of the Plaintiff's particulars of claim. In paragraph 7 the Plaintiff alleges that the second and third Defendants, during January 2001, unlawfully and intentionally and without reasonable cause whilst acting within the scope of their duties set the law in motion against him by laying false charges of corruption and interference and hindering the second Defendant in the exercise of his police duties at Kwa-Mhlanga by furnishing the following false information to wit:

- 1 That the Plaintiff in a corrupt manner had released a certain Nissan 1400 bakkie to one Sophie Lindiwe Nsidi which is obviously Msibi.
- 2 By alleging that the Plaintiff had no grounds when he so acted.
- 3 The Plaintiff's said action was questionable and corrupt.

In paragraph 8 the Plaintiff avers that the second and the third Defendants had no reasonable grounds for laying such charges against him and that they also had no reasonable belief in the truthfulness of the information. The Plaintiff alleges that the second and third Defendants obtained a J50 warrant of arrest which led to his arrest and detention. He was later released on warning. The case was withdrawn against the Plaintiff on 27 March 2001. The Plaintiff further alleges that he, as a result of the arrest and detention, suffered general damages in the amount of R200.000-00 for contumelia, deprivation of liberty and

