



**HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO: A178/2024

(1) REPORTABLE: NO.
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.
DATE: 31 OCTOBER 2024

SIGNATURE

In the matter between:

SIBUSISO JOSEPH MAKHATHINI

First Appellant

THABO MALEBYE

Second Appellant

GOLIATH WAJAR DAVID ISAACKS

Third Appellant

and

MINISTER OF POLICE

Respondent

Summary: *Unlawful arrest and detention – arresting officer found R9 900,00 in the possession of the appellants – this corresponded exactly with the amount a complainant alleged that the appellants, being two community policing members and a police reservist, had extorted from him earlier the same day – accordingly the arresting officer's*

suspicion that a crime had been committed was objectively reasonable – appellants’ version on appeal that the arresting officer, another detective and a police colonel had been part of a conspiracy rejected – the onus on the arresting officer to justify the arrest without a warrant satisfied – appeal against a refusal of the appellants’ claims dismissed.

ORDER

The appeals are dismissed, with costs.

JUDGMENT

The matter was heard in open court and the judgment was prepared and authored by the judge whose name is reflected herein and is handed down electronically by circulation to the parties’ legal representatives by email and by uploading it to the electronic file of this matter on Caselines. The date for hand-down is deemed to be October 2024.

DAVIS, J (Millar J et Mazibuko AJ concurring)

Introduction

[1] The three appellants were plaintiffs in three separate actions instituted in the court of first instance. In each of the actions, damages were claimed against

the Minister of Police, allegedly suffered as a result of alleged unlawful arrest and detention.

[2] The arrests in question were carried out at the same time and place and by the same arresting officer. Accordingly the three actions had been consolidated for purposes of hearing.

[3] Mali J, sitting in the court a quo, heard evidence in the consolidated trial during June 2022. On 31 August 2023 she dismissed the appellants' claims.

[4] Mali J subsequently refused leave to appeal and the matter came before us by way of leave to appeal granted by the Supreme Court of Appeal on 27 March 2024.

The law regarding the arrest of persons without a warrant

[5] An arrest and detention must be constitutionally and statutorily justified.¹

[6] An arrest or detention is *prima facie* wrongful.²

[7] Thus, when a police officer has arrested and detained a person, once the arrest and detention have been admitted, the onus of proving lawfulness, rests on the arresting officer.³

[8] In order to show that an arrest without a warrant had been lawful, it has to be proven that the arresting officer had suspected the suspect of having committed an offence as contemplated in Schedule 1 of the Criminal Procedure Act.⁴

¹ Sections 35(1) and (2) of the *Constitution* and *Minister of Police v Karakwa* 2002 (40 SA 455 (SCA)).

² *Minister van Wet & Orde v Matshoba* 1990 (1) A 280 (A).

³ *Mhlanga v Minister of Safety & Security* [2001] 2 All SA 534 (TK).

⁴ 51 of 1997 (the CPA).

[9] The elements of what must be proven have been neatly summed up in a *Khubalo*⁵ as follows: “An officer making a warrantless arrest had to comply with the jurisdictional prerequisites set out in section 40(1)(b) of the CPA. Those are that (i) the arrestor must be a peace officer; (ii) the arrestor must entertain a suspicion; (iii) the suspicion must be that the arrested person committed an offence referred to in Schedule 1; and (iv) the suspicion must rest on reasonable grounds”.

[10] In *Mabona*⁶ the issue of “reasonable grounds” was explained as follows: “Would a reasonable man in the arrestor’s position and possessed of the same information have considered that there were good and sufficient grounds for suspecting that the appellants were guilty ...”.

Common cause facts

[11] Before dealing with the contested evidence, it is apposite to note that the date, time and place of the arrest, being on the afternoon of 22 December 2014 and in the office of Colonel Modike at Pretoria Central Police Station, were all common cause.

[12] It was also common cause that all three appellants were in each other’s company when the arrest took place and that the arresting officer was D/Cst Mdaka. He was assisted at the time by D/Cst Supe. D/Cst Mdaka and detective constable D/Cst Supe were acting in the course and scope of their duties as police officers and the defendant, the Minister of Police (the Minister) was vicariously liable for any wrongdoing which they may have committed. For this reasons the minister had been cited as the defendant in the consolidated matters.

⁵ *Khubalo v Minister of Police* 2024 (2) SACR 238 (ECMK) at par 23.

⁶ *Mabona v Minister and Law and Order* 1988 (2) SA 654 (SE).

[13] It was also not in dispute that, after their arrest, the appellants had been detained for two days each and that on 17 January 2017 charges against them had been withdrawn in the Specialised Commercial Crimes court.

[14] It was further not in dispute that the appellants had earlier the evening of the arrest, come across the alleged complainant, a Mr Makitla who had been sitting in a stationery vehicle on Church Square in Pretoria. He was found in possession of four Malawian passports and was taken for questioning to Pretoria Central Police station by the appellants on suspicion of fraud, but subsequently released by them. The appellants had been part of a team consisting of a police reservist and community policing members.

The defendant's version

[15] As the onus rested on the defendant in the circumstances (as explained earlier) it is apposite to start with evidence led on his behalf, despite the fact that at the trial the appellants had led their own evidence first.

[16] D/Cst Mdaka (who had since been promoted to D/Sgt and shall be referred to as such) was the defendant's first witness. He testified that he was the arresting officer. How it came about that he arrested the appellants was explained by him as follows: He had been a detective since 2009 and by the time of the trial he was a Detective Sergeant. On the afternoon in question, he was at Pretoria Central Police station, doing administrative work in his office when he received a telephone call from his commander, Colonel Modike, summoning him to the commander's office on the second floor.

[17] When he arrived at the colonel's office, D/Sgt Mdaka was instructed to also summon his colleague, D/Sgt Supe to the same office. In the Colonel's office was an unknown African civilian man. That man had by then already made a complaint to the colonel about a corruption incident which had taken place that

day. D/Sgt Mdaka then interviewed the man who had introduced himself as Isaac Makitla.

[18] Mr Makitla told the D/Sgt that, on the day in question he had been approached by four police officers where he had been sitting in his stationary vehicle at Church Square in Pretoria. Of the four officers, only one was in uniform. They requested a search of his vehicle and in it found a Malawian passport and a school certificate belonging to another person. He was then accused of fraud whereafter he was taken to Pretoria Central police station. One of the officers, known to Mr Makitla as Thabo Malebye, drove Mr Makitla's vehicle.

[19] At the parking area at the police station, Mr Makitla was told that he was going to be arrested for fraud unless he paid the officers R10 000.00. In fact, this conversation had started at Church Square, and had continued on the way to the police station, and was repeated at the station in clear terms. While Mr Makitla was being taken to the holding cells, he told the officers that he only had R6 900.00 on him.

[20] Thabo Malebye said R6 900.00 was "too small" and started opening a docket. The uniformed policeman, with a name tag Isaacks, said he would take the R6 900.00 but then the others said "*the money is still short R3 100.00*" and that Mr Makitla must "make a plan". Mr Makitla then left Isaacks with the R6 900.00 which he had handed over in cash, while he accompanied the other three, who later became known as Malebye, Makhathini and Nkongo, to an FNB ATM machine, located just a few blocks away. In fact, it was so close that they all walked to the ATM.

[21] At the ATM machine, Mr Makita withdrew R3000.00 because that was his daily withdrawal limit. He handed the cash to the three officers.

[22] Back at the police station, the passport and other documents found during the search was handed back to Mr Makitla. As he went to retrieve his car, he was approached by an unknown man with a walking stick. The man said: "I saw you guys going to the ATM. What happened?" After Mr Makitla had related his version of the events to the man he was advised to go to Colonel Modike's office, which he did.

[23] After Mr Makitla had, according to D/Sgt Mdaka, been "thoroughly" interviewed and told that the four officers had been seen in the holding cells area, D/Sgt Mdaka took Mr Makitla to the cells area. There Mr Makitla identified and pointed out the three appellants and another community policing member or possibly a "community patroller".

[24] D/Sgt then showed the four men identified by Mr Makitla his police appointment card and told them that Mr Makitla had accused them of having demanded R9 900.00 from him. He then asked them to accompany him to Colonel Modike's office via the lift from the cells area.

[25] In the Colonel's office, D/Sgt Mdaka informed the four men that, based on his interview with Mr Makitla, he formed the suspicion that they had committed the crime of corruption and that he is arresting them. The further reason why D/Sgt Mdaka had decided to arrest the four was that the incident had happened shortly before and the suspects might still have the cash on them, which would be an exhibit in a criminal trial. He then started informing the four of their Constitutional rights. It was then when the four said that they would return Mr Makitla's money.

[26] After the appellants (then being three of four suspects) had indicated their willingness to return the money, D/Sgt Mdaka started to search them.

[27] The search started with the third appellant. It was a search conducted through the pockets of clothing. A trouser pocket yielded R5 180.00. The third appellant then stated that of that amount R180, 00 was his own and the rest was obtained from Mr Makitla. The money was placed in a sealed bag, to be booked into a SAP 13 register.

[28] The next person to be searched, was the second appellant. His pockets did not yield any money, but a cellphone.

[29] The cellphone was also confiscated and placed in a sealed bag. The reason for this was explained by D/Sgt Mdaka as follows: *"While I was interviewing Mr Isaac Makitla, I asked him: how do you know Mr Thabo Malebye. He said: I know him. It is not the first encounter with him to take my money. Previously he even called me. So the reasons why I took his cellphone and booked it is that I wanted the investigating officer to do a Section 205 for cellphone records, to see if indeed Mr Thabo Malebye called Mr Isaacs Makitla beforehand on the day that he mentioned"*.

[30] The next person to be searched, was described as "the fat one", was the first appellant. His pockets yielded R 2 520,00 of which he claimed R220.00 was his own money and that R2 300.00 belonged to Mr Makitla. This money was also placed in a sealed bag.

[31] A toy gun was also found in the first appellants' waist and placed in another sealed bag.

[32] The fourth suspect, one Mr Siphamandla Nkonzo (who is not one of the appellants) was then searched. He only had R70.00 on him but told D/Sgt Mdaka that the part of the money that he had gotten from Mr Makitla, he had already given to another community patroller, a one Mr Hlompho.

[33] Upon hearing this, D/Sgt Mdaka obtained Mr Hlompho's cellphone number and summoned him also the Colonel Modike's office. When he arrived, he was confronted with the version that Mr Nkonzo had given him money. Mr Hlompho readily admitted this and told D/Sgt Mdaka that the money was in his locker on the ground floor. With his assistance D/Sgt Mdaka retrieved R 2 600.00 from the locker, which was also counted and placed in a sealed evidence bag.

[34] During this whole time, Mr Makitla was sitting on a sofa in Colonel Modike's office. When he asked for his money back, he was told that it now formed part of evidence. He himself was relieved of the Malawian passport already mentioned before as well as the certificate, which were also placed in a sealed bag. He also showed the D/Sgt the withdrawal message in connection with the R3000.00 ATM withdrawal, on his cellphone.

[35] As an arrest had already been effected and as the rest of the search confirmed that corruption had been committed, D/Sgt informed his colleague (then) D/Cst Supe that the suspects should be detained in the cells, which is what then happened.

[36] D/Sgt Mdaka was thoroughly cross-examined and the contents of the subsequently opened police docket (which had been discovered *in toto*) had been introduced in evidence in cross-examination. Much was made of the fact that the "A1 affidavit", customarily that of the complainant in a police investigation, had been obtained and deposed to after the arrest. D/Sgt Mdaka confirmed this, but testified that nothing turns on this and that he had been entitled to effect the arrests on the basis of the oral interview conducted with Mr Makitla. In the end, the A1 affidavit corresponded with what D/Sgt Mdaka had testified about the interview in Colonel Modike's office.

[37] D/Sgt Supe was the defendant's next witness. He was called by D/Sgt Mdaka to Colonel Modike's office where he encountered Mr Makitla who was then interviewed by D/Sgt Mdaka. He then related the contents of the interview, which was done in his presence. His evidence of the subsequent arrest and search of the suspects corresponded to that of D/Sgt Mdaka. D/Sgt Supe is the one who had taken down the statement from Mr Hlompho. In that statement, Mr Hlompho explained how he came into possession of the R2 600.00 which D/Sgt Mdaka had found in the locker. Mr Hlompho's statement read that Mr Nkonzo had given it to him when Mr Nkonzo come into the police station, for safekeeping. Mr Hlompho agreed to the request but did not count the money and merely placed it in his locker. He was surprised when he later received a telephone call from D/Sgt Mdaka, whereafter the money was retrieved as described by D/Sgt Mdaka.

[38] D/Sgt Supe was the one who completed the documentation when D/Sgt Mdaka advised the four suspects of their Constitutional rights and escorted them to the holding cells.

[39] In cross-examination of D/Sgt Supe by Adv Nkosi who appeared for the appellants at the trial and also in the appeal before us, D/Sgt Supe's affidavit, which forms part of the docket, was introduced into evidence. His evidence in court was compared to that in his statement in some detail. Despite this, no material deviations could be pointed out. The only difference was that in his statement the particularity of how the different amounts found on the suspects, which they had volunteered to be returned to Mr Makitla, had been furnished e.g 5 x R100 notes, 20 x R50.00 notes and so on. The bag numbers in which the various amounts and items found on the suspects had also been recorded in the written statement.

[40] I have set out the evidence of D/Sgt Mdaka and D/Sgt Supe in some detail. The reason for this is that Adv Nkosi in the appeal criticized the learned judge in

the court *a quo* for not having set out in sufficient detail in her seven-page judgment why she had accepted the evidence of D/Sgt Mdaka as being that of a credible witness and that no evaluative process in respect of credibility of other witnesses had been undertaken in the judgment. This is not entirely correct as D/Sgt Supe had also been found by Mali J to be a credible witness.

The appellants' evidence

[41] Insofar as the evaluation of the appellants' evidence goes and whether the court *a quo* had correctly assessed it, one should start by visiting the judgment. Therein, their evidence was summarized as follows:

“[4] Malebye testified that on 22 December 2014, he was in company of Makhathini, and Mr Isaacks. Whilst they were patrolling the at the corner of Paul Kruger and Church Street they noticed a stationery motor vehicle, a VW Polo make. He realized that when the driver was Isaacks who was wearing his police uniform, the driver concealed something under the seat of the motor vehicle. They approached the driver, who happened to be Mr Makitla (Makitla), and requested to search his motor vehicle and he acceded to their request.

[5] They found three (3) passports belonging to foreign nationals and that led them to suspicion that the passports were used to commit fraudulent activities. They, with Makitla went to police station where he was going to be questioned. Upon entering the police station they were approached by a man who was in crutches, whose identity was not known to them. He was in the company of Sergeant Mdaka (Mdaka) and Sergeant Supe (Supe). The man told them they were being

sought for robbing someone. He asked who he was the, man did not identify himself and he proceeded with Mdaka and Supe.

- [6] Makitla was questioned, the owners of the passports were telephonically contacted and it was confirmed by the Immigration officers stationed at the police station that Makitla there was nothing irregular about Makitla being in possession of the passports. Makitla was warned and released and he left the police station.
- [7] He further testified that, later when they were busy opening the docket in respect of a matter of possession of drugs, they were confronted by Mdaka and Supe who asked them to attend to the office of Colonel Modike (Modike). They handed over the case and the drugs to both Sergeants. In the office they found Makitla and they were informed that they had taken a sum of R9000.00 from him in exchange for not arresting him. He further testified that they were stripped searched and were forced to squat in order to be searched in the buttocks, in front of one another in a degrading inhumane manner which violated the right to their dignity. Mdaka Took their money and Malebye's cellular phone. They were charged with corruption, later they were prosecuted and acquitted. That was the testimony of Mr Malebye which was partly corroborated by Malebye and Isaacks. The contradictions amongst the three of them do not really impact on the issue to be decided".

[42] From a reading of the record, the above appeared to be a fair summary of the appellants' evidence.

[43] What could be added to the above was that, at the trial, a Ms Mashigo, who was said to be the first appellant's girlfriend, had testified to the effect that she had given the first appellant R2 500.00. Of this R1000.00 was "grant money" and R1 500.00 was from the proceeds of her business to be utilised for lay-byes for their children's clothes.

[44] Another aspect which feature in the evidence of the appellants and which had been denied by the two detective sergeants was that the third appellant had made relevant entry in his pocketbook and that he had the pocketbook on his person when he was searched. D/Sgt Mdaka was cross-examined on this aspect but maintained steadfastly that, should the pocketbook had been in the possession of the third defendant during his body search, it would have been found.

[45] The entry in the pocketbook, on which the appellants relied heavily, read as follows: "*Monday 2014/12/22. I reported on duty wearing my uniform as per SAP 15 with EB on duty. Suspected a car parked at Paul Kruger Square which is grey in colour and registration ... (Polo), in the car was an African male by the name Isaac Makitla, ID no ... who was in possession of Malawian passports (name ... number ...) which were suspected to be used for fraud. Mr Makitla was then warned not to carry other people's documents and was released with no injuries and nothing was taken from him. Mr Makitla signature. Mr Isaacks signature*".

[46] There were a number of contradictions in the versions of the three appellants. According to the second and third appellants they had decided to search Mr Makitla and his vehicle because they had become suspicious when they

saw him bending down to hide something under his seat. The first appellant said nothing of the sort and claimed that they had decided to search Mr Makitla and his vehicle because it was "standard procedure".

[47] The appellants also differed as to where the passports in the possession of Mr Makitla had been found and how many passports had been found. The first appellant testified that he had to lift the back seat and found three passports beneath it. The third appellant also referred to three passports but said nothing about the back seat having to be lifted. The third appellant testified that four passports were found inside the pocket of the driver's door. He was adamant that they were not found under the back seat.

[48] The appellants also contradicted each other about whether Mr Makitla had given an explanation for the possession of the passports or not. The first and second appellants testified that Mr Makitla had told them he was helping the owners of the passports to obtain permits. The third appellant however denied that Mr Makitla had given any explanation.

[49] The appellants also gave different versions about what had happened on arrival at the police station. The second appellant testified that when they entered the station with Mr Makitla, they found a man with crutches in the company of D/Sgt, Mdaka and Supe and the man with crutches told them that a phone call had been received to say that they wanted to rob they guy with the passports. He asked the man who he was, but he did not respond.

[50] On the other hand, the first and third appellants testified that the two detectives and the guy with the crutches, had been at the door but that it was only the second appellant who had remained behind to talk to them. During cross-examination, the first appellant testified that nobody spoke to the man on crutches and/or the detectives and that when the three of them had entered to police station,

they only questioned Mr Makitla. During cross-examination the third appellant admitted that the second appellant had told him about the conversation with the man with crutches and the allegation that they were robbing Mr Makitla, but according to him, he opted to do nothing about it, despite the seriousness thereof.

[51] The appellants also contradicted each other about who was present in Colonel Modike's office when they arrived. The second appellant stated that a General Ntombeni was also present as well as the man on crutches. The other appellants did not mention the presence of a police general at all.

[52] As to what was found on the appellants and the other suspect during the search, they also all differed in their versions.

[53] The second appellant testified that he was in possession of R30,00 which the police officials opted not to seize, but he was uncertain about the amounts found in the possession of the other appellants. This was in contradiction to his particulars of claim wherein it was pleaded that R2 250.00 had been found on him and had been confiscated.

[54] The versions regarding the pocketbook and its presence during the search or that the appellants had attempted to convey the contents thereof, were also vague and contradictory. The second appellant in his evidence in chief never testified that they had mentioned the existence of Isaacks's pocketbook whilst they were in col Modike's office, or that it had been shown to anyone. However, when he was cross-examined about the fact that they never mentioned the pocketbook, he contradicted his evidence in chief and said that they "*did show them the pocketbook. They said we forced Mr Isaac Makitla to sign on it*".

[55] The first appellant testified in chief that the third appellant had showed the pocketbook to Col Modike and D/Sgt Mdaka and Supe, but in cross-examination

admitted that the pocketbook was never shown to Col Modike. The third appellant testified that he tried to show his pocketbook to Col Modike and the detectives, but they did not give him time to talk to them. All three appellants furthermore conceded that they never mentioned the existence of Isaacks's pocketbook and what was written therein, to the investigating officer when he took down their warning statements.

Evaluation of the evidence and the credibility of witnesses

[56] The method for resolving two irreconcilable versions has been set out in the well-known case of *SFW Group & Another v Martell et Cie & Others*⁷ as follows:

“The technique generally employed by courts in resolving factual disputes of this nature may conveniently be summarised as follows. To come to a conclusion on the disputed issues a court must make findings on (a) the credibility of the various factual witnesses; (b) their reliability; and (c) the probabilities. As to (a), the court’s findings on the credibility of a particular witness will depend on its impression about the veracity of the witness. That in turn will depend on a variety of subsidiary factors, not necessarily in order of importance, such as (i) the witness’ candour and demeanour in the witness-box, (ii) his bias, latent and blatant, (iii) internal contradictions in his evidence, (iv) external contradictions with what was pleaded or put on his behalf, or with established facts or with his own extracurial statements or actions, (v) the probability or improbability of particular aspects of his version, (vi) the calibre

⁷ 2003 (1) SA 11 (SCA) at par [5].

and cogency of his performance compared to that of other witnesses testifying about the same incident or events. ...

As to (c), this necessitates an analysis and evaluation of the probability or improbability of each party's version on each of the disputed issues. In the light of its assessment of (a), (b) and (c) the court will then, as a final step, determine whether the party burdened with the onus of proof has succeeded in discharging it".

[57] Dealing with the evidence of the appellants first, their evidence suffers from both internal contradictions and from contradictions with each other. It is clear that they had accosted Mr Makitla but how exactly that came about, they were unclear about. This might notionally be as a result of memory failures or it might be that they had extorted money from him but hadn't agreed with each other what reasons they could give if confronted with why they had brought him to the police station. The latter seems the more likely inference in the circumstances.

[58] Their joint version of having suspected Mr Makitla of having committed fraud gives rise to its own questions. Why then did they let him go? The pocketbook in which one of them would allegedly have meticulously recorded the events, is completely silent on this aspect. It jumps from direct suspicions of fraud to a release. Why are there no notes regarding their investigations regarding the suspected fraudulent documents? Why take Mr Makitla virtually to the entrance of the cells only to release him? Why require Mr Makitla to sign a police officer's pocketbook? Why require him to state that nothing has been taken from him? While these inevitable questions begged clarification, none of them have been answered. The most reference is rather that the entries, which probably have been made after the fact (particularly the latter part thereof), had been made with a view to cover up improper conduct.

[59] Faced with the conflicting versions of the appellants as opposed to the respondent's witnesses, Adv Nkosi argued that his clients had been set-up and that the evidence against them was all part of a conspiracy. This argument would imply that the commanding officer of the detectives, Colonel Modike, the two detectives themselves, Mr Makitla and even Mr Hlompo all had colluded with each other to give false evidence, either by way of sworn affidavits or by evidence in court (or both). Adv Nkosi was asked by this court what the motive could have been for such an unlawful conspiracy and his only speculative answer was that it was well-known that there was friction between regular police officers and reservists. Not only was there no evidence to support this proposition but neither had the whole conspiracy theory featured in the trial before the court *a quo*. For these reasons and the general improbability thereof in the absence of evidence, it must be rejected.

[60] When one then evaluates the evidence of the appellants, their versions, both individually and collectively suffer from both internal and external contradiction. In addition, the versions were at times vague and/or non-sensical (for example where one considers the pocketbook entries) and at odds with all other probabilities. Their evidence was therefore correctly rejected by the court *a quo*. Their versions of the body-cavity searches were also a false attempt at embellishment, clearly in an attempt to increase the quantum claimed.

[61] On the other hand, when one analyses the evidence of D/Sgt Mdaka and Supe, their evidence was clear, consistent with their prior conduct and their affidavits, remained unshaken on all material aspects by cross-examination and did not suffer from material contradictions like that of the appellants.

[62] Upon an analysis, it appears that the finding of the court *a quo* that D/Sgt Mdaka and Supe were credible witnesses, was supported by the record.

Conclusion

[63] It follows that the respondent had satisfied the onus that rested on him and that it had been proven to the satisfaction of the court that the arresting officer had a reasonable suspicion that an offence as contemplated in the CPA had been committed and, seeing that large amounts of cash had been involved, had been justified in executing the arrests in question. I add to this conclusion the fact that it had never been the pleaded case of the appellants that the arresting officer had improperly exercised his discretion,⁸ but only that he could not have harboured a reasonable suspicion.

Order

[64] It must follow that the appeals should fail. I find no reason why costs should not follow the event. The order should therefore be as follows:

The appeals are dismissed, with costs.

I agree.



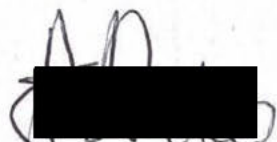
N DAVIS
Judge of the High Court
Gauteng Division, Pretoria



A MILLAR
Judge of the High Court
Gauteng Division, Pretoria

⁸ See: *Minister of Safety & Security v Sekhoto & Another* 2011 (1) SACR 315 (SCA).

I agree.


N G M MAZIBUKO
Acting Judge of the High Court
Gauteng Division, Pretoria

Date of Hearing: 10 October 2024

Judgment delivered: 31 October 2024

APPEARANCES:

For the Applicant:

Adv J. S. C Nkosi With

Adv K.P Letswalo

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