

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: **2025-217630**

(1) REPORTABLE: **NO**
(2) OF INTEREST TO OTHER JUDGES: **NO**
(3) REVISED: **NO**

A handwritten signature in black ink, appearing to be "M. D. M.", is written over a thick black horizontal line.

DATE: 28 Nov 2025

In the matter between:

**UKRAINE HOLDINGS (PTY) LTD t/a
UKRAINE SECURITY COMPANY (PTY) LTD
(Registration Number 2024/501366/07)**

First Applicant

THABISO LEBEA

Second Applicant

and

MINISTER OF POLICE

First Respondent

**NATIONAL COMMISSIONER: SOUTH AFRICAN
POLICE SERVICES**

Second Respondent

**GAUTENG PROVINCIAL COMMISSIONER:
SOUTH AFRICAN POLICE SERVICES**

Third Respondent

**IVORY PARK STATION COMMANDER:
SOUTH AFRICAN POLICE SERVICES**

Fourth Respondent

REASONS

MODIBA, J

- [1] On 25 November 2025, after hearing counsel for the parties on the question of urgency, I granted an order removing the above matter from the roll. Below I set out *ex tempore more* reasons for the order as requested by the applicants.
- [2] The first applicant, Ukraine Security Company (Pty) Ltd (USC) was incorporated in August 2024. Its main object is to provide security services in the community in which it is located. It alleged that in doing so, it assists the South African Police Services (SAPS) and the community to combat crime. It has agreements with the residents and businesses operating in the Ivory Park/Tembisa area to protect their properties and persons by providing an emergency response, crime prevention, threat deterrence and order maintenance services.
- [3] On 8 October, USC's sole director, Mr Madi was arrested and detained at the Tembisa Police Station on charges of murder, attempted murder and car hi-jacking. He telephoned the second applicant Mr Thabiso Lebea who is USC's Operations Commander, Mr Mpumelelo Magagula its Camera Installer, Mr Dumolakhe Mdluli, its bookkeeper, and Dengizwe Majola and Desire Masiya its ground officers and instructed them to report to the Tembisa Police Station. On arrival, their mobile devices and Mr Lebea's firearm were seized by the police. They were later released but the seized items were not handed back to them. The lawfulness of the seizure is in dispute between the parties. The applicants alleged that the seizure was unlawful. The respondents allege that it was lawful.

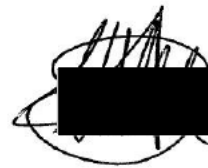
- [4] The applicants seek an order directing the respondents to return the seized items to USC's employees. They contend that they seized mobile devices for business purposes and that since they were seized, USC's business has experienced a substantial decline. This is what in their view renders the application urgent. The respondents opposed urgency on the basis that the applicants waited for more than a month after its cause of action arose before bringing the application. They also contend that they would have returned the mobile devices to the first applicant's employees had they given the investigating officer access information for the seized mobile devices and consented to the information contained therein being copied.
- [5] The respondents allege that on 26 September 2025, USC's vehicle opened fire at a vehicle that was parked near an electricity transformer box in Ivory Park, shooting and killing two males, and wounding a third person. One of the males was a police officer. The USC motor vehicle then sped off. Another person who witnessed the incident, took the victim's motor vehicle and sped off. The victim's motor vehicle was found in an unspecified place in Ivory Park. The person who drove it from the scene of the shooting was arrested and taken to Tembisa Police Station where he identified Mr Madi as the person who was involved in the shooting incident referred to above. Mr Madi had been detained in connection with other charges.
- [6] When questioned by the police about the shooting incident, Mr Madi denied knowledge of the incident. It was for that reason that he was asked to call his staff. According to the police, the above-mentioned items were seized to investigate the charges for which Mr Madi was arrested. They believe that the information contained in the mobile devices will assist them in their investigation.

- [7] The police alleged that they offered to return the seized mobile devices to USC'S employees five weeks ago provided they consented to the information contained in the devices being downloaded. The employees refused. Their denial is reiterated by the applicants in their replying affidavit where they contend that the police are intimidating the employees as they have not arrested them for any charges and the seizure was unlawful. Notwithstanding the applicants' stance as set out in their founding and replying affidavits regarding the seizure of the mobile devices and their refusal to consent to the information contained therein being downloaded, in an unexpected turn, during oral argument, counsel for the applicants tendered the required consent, contending that the police are unreasonably withholding the seized items.
- [8] This tender diffused the urgency the applicants relied on. Having tendered the consent of the USC employees, the applicants do not meet the test for urgency because they have not shown that if this application is not heard on an urgent basis they will be denied substantive redress in due course. If USC's employees give the police the required consent as tendered, information will be copied and the devices returned to them.
- [9] Ordinarily, I would have struck off the matter from the roll with costs but did not do so because prior to instituting this application, USC engaged various officials within the police service to try and recover the seized items, but its correspondences were never responded to. Although it is common cause that the police called on the USC employees to consent to information being copied from their mobile devices, it is unclear how and precisely when were the employees informed that their consent was required as USC's correspondences were never replied to. The respondents' answering affidavit was also very economical with this information. The dispute between the parties may have been resolved earlier had the respondents

responded to the applicants' correspondences. I therefore have no basis to find that the application was nugatory. It is for that reason that I considered it to be just and equitable not to award costs against the applicants.

[10] Therefore, the following order is confirmed:

1. The application is removed from the roll.
2. There is no order as to costs.



L.T. MODIBA
JUDGE OF THE HIGH COURT
JOHANNESBURG

Appearances

For the Applicants:

V Mabasa
Instructed by Mokoena Tooka
Attorneys

For the Respondents:

QM Dzimba
Instructed by Office of the State
Attorneys, Johannesburg

Date of hearing:

25 November 2025

Date of judgment:

28 November 2025

MODE OF DELIVERY: These reasons were transmitted to the parties' legal representatives by email, uploading on CaseLines and release to SAFLII. The date and time for delivery is deemed to be 2pm.

