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REPUBLIC OF SOUTH AFRICA



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

CASE NUMBER: A2024 - 094541

DELETE WHICHEVER IS NOT APPLICABLE

1.REPORTABLE: NO

2.OF INTEREST TO OTHER JUDGES: NO

3.REVISED: NO

14 JANUARY 2026

Judge Dippenaar

In the matter between:

JABU JOHANNES MAHLABA

APPELLANT

and

MINISTER OF POLICE

RESPONDENT

Coram: Dippenaar, Yacoob JJ et M van Nieuwenhuizen AJ

Heard: 29 October 2025

Delivered: This judgment was handed down electronically by circulation to the parties' legal representatives by e-mail and uploading it onto the electronic platform. The date and time for hand-down is deemed to be 10h00 on the 14th of JANUARY 2026.

Summary: Appeal against dismissal of claim for unlawful arrest and detention – principles restated – hearsay evidence admissible in determining whether reasonable suspicion exists for purposes of s 40(1)(b) of Criminal Procedure Act 51 of 1977. Not necessary to call witnesses to prove the truth of the contents of their statements – no adverse inference to be drawn from the failure to call the arresting officer as a witness - arrest and detention lawful.

ORDER

On appeal from: The Gauteng Division of the High Court, Johannesburg (Wepener J sitting as Court of First Instance)

1. The appeal is dismissed.

JUDGMENT

DIPPENAAR J (YACOOB J et M VAN NIEUWENHUIZEN AJ concurring):

[1] The appellant appeals a portion of the judgment and order granted by Wepener J (the court *a quo*) on 11 June 2024. In terms of the order, the appellant's claims for unlawful arrest and detention, impairment of his reputation, honour, self-esteem, violation of dignity and emotional shock as well as his claim for malicious prosecution were dismissed with costs. The court *a quo* granted leave to appeal against the dismissal of the appellant's claim based on unlawful arrest and detention on 30 July 2024. The present appeal relates to this claim only. The respondent did not oppose the appeal and did not appear at the hearing.

[2] In his notice of appeal, the appellant raised some sixteen grounds of appeal in support of the contention that the court *a quo* erred and misdirected itself. He sought the setting aside of the order of the court *a quo* and an order substituting it with the following order:

'(1.1) The Respondent (sic) is to pay the plaintiff the sum equivalent to R15 000 (fifteen thousand rand) or a reasonably determined figure per day for the 255 days Appellant (sic) was unlawfully detained as a result of his unlawful arrest;

(1.2) That Respondent (sic) be ordered to pay the costs of suit in the Court a quo including the costs of this appeal on Scale A'.

[3] The background facts are not contentious. The arrest claim constitutes two different arrests based on the same set of facts: the first of which was effected on 2 April 2007 without a warrant; the second an arrest on 12 June 2012 which was effected with a warrant, although the appellant testified it was effected without a warrant. The appellant is a police officer and was arrested at his workplace at the Germiston Flying Squad. It was common cause that the appellant was arrested on those dates by members of the South African Police Services in the exercise of their duties.

[4] On 3 April 2007, the appellant was charged with the murder of a former girlfriend, Ms F[...] T[...] (the deceased) on 1 April 2007. The appellant appeared in the

Magistrates' Court on 4 April 2007, when the matter was remanded. The senior prosecutor, Mr Strydom, received the docket on 12 April 2007 and decided to prosecute the appellant. The matter was remanded for a bail application and the appellant remained in custody. Bail was refused on 25 April 2007. The appellant was detained from 2 April 2007 until 14 December 2007 when the matter was struck off the roll by a magistrate and he was released.

[5] The appellant was again arrested on 12 June 2012 pursuant to a warrant of arrest on the same charge. Some seven days later he was granted bail. The matter was again struck off the roll in December 2012.

[6] During 2013 a summons was served on the appellant to secure his arraignment in the High Court. The appellant was charged with the same count of murder and three additional charges. He was ultimately discharged under s 174 of the Criminal Procedure Act 51 of 1977 ('the CPA') on 23 May 2014.

[7] In his particulars of claim the appellant pleaded that the employees of the Minister of Police maliciously or wrongfully, without reasonable suspicion that the appellant had committed the crimes mentioned in the charge sheet, arrested and detained him and set the law in motion. He further pleaded that employees of the Director of Public Prosecution caused the unlawful arrest and detention on 12 June 2012 and that he was maliciously, wrongfully and without evidence prosecuted for crimes he had not committed. The present appeal concerns only the first arrest and detention.

[8] It was expressly pleaded that the members of the South African Police Services had no probable or reasonable grounds upon which to arrest and did not have a reasonable belief in the veracity of the information at their disposal, if any, that led to the unlawful arrest, detention and malicious prosecution of the appellant. In his particulars of claim, the appellant claimed R1.5 million for unlawful arrest and detention, R1 million

for malicious prosecution and R500 000 for impairment of reputation, honour and self-esteem, violation of dignity and emotional shock.

[9] In response the respondent's case as pleaded was that the plaintiff was arrested by Inspector Makola for the murder of the deceased who was murdered on 1 April 2007 and that there were reasonable grounds for suspecting that the appellant was the person who committed the murder. A docket was opened and the allegations properly investigated and found to be accurate. The appellant was arrested after a witness, Margaret Mogoane (now deceased) had positively pointed him out as the person who was last seen in the company of the deceased immediately before she was murdered.

[10] At the trial, only the prosecutor, Mr Strydom, testified for the defence on the merits, and the appellant testified on his own behalf. The arresting officer, Inspector Makola, was not called as a witness. The respondent's attorney of record, Mr Lebanye, testified that Inspector Makola had been dismissed from the South African Police Services and was not available to testify, despite attempts to secure his attendance. Despite cross examination, that version was not disturbed.

[11] On the claim of unlawful arrest and detention, the central dispute to be determined at the trial was whether the arrest was lawful because it was executed in accordance with s 40(1)(b) of the CPA and whether there was a reasonable suspicion that the appellant had murdered the deceased. The appellant contended that there could be no reasonable suspicion as reliance was placed on the evidence of a minor child, T[...] T[...], who was three years old at the time and on the evidence of the late Margaret Mogoane, who admitted to consuming alcohol.

[12] The respondent contended the opposite. It averred that the allegations against the appellant were properly investigated and objectively supported a reasonable suspicion that it was the appellant who committed the murder of the deceased. In the minutes of the pre-trial conference, it was recorded that the respondent intended introducing the statement of Margaret Mogoane under rule 38 and s 3 of the Law of

Evidence Amendment Act 45 of 1988 and s 34 of the Civil Proceedings Evidence Act 25 of 1965.

[13] During the trial the statements of all the witnesses who had provided statements to the arresting officer were admitted into evidence, some of them elicited during the cross examination of the appellant. The appellant did not admit the truth of the statements and objected only to the statements of the arresting officer, Inspector Makola.

[14] T[...] T[...] was an eyewitness to the murder of his mother, the deceased. He verbally reported to his grandmother and aunt that his mother had been shot by “Lerato’s father’. It was common cause that the appellant was Lerato’s father. At the time of the appellant’s arrest, the minor child had not been interviewed. Such interview occurred a day later. His grandmother (M[...] P[...] T[...]) and aunt (N[...] M[...] T[...]) had made statements prior to the appellant’s arrest. These statements confirmed what T[...] had told them immediately after the murder of the deceased.

[15] The statement of Margaret Mogoane was also available and made before the appellant’s arrest. She stated that on the 1st of April 2007 at about 13h00 she was sitting with her friend the deceased at 1[...] L[...] Street, Mapleton Extension 10 who just bought her two (2) beers. At that time the deceased’s son T[...] was also in the house as she found the deceased and T[...] sitting together. She had just commenced drinking the first glass from the first bottle of Hansa beer when a person fitting the description of the appellant arrived. She identified a tall slim person of light complexion, in clothing which led her to believe he was a policeman, as the person who arrived where she and the deceased were sitting shortly before the murder of the deceased. According to Margaret Mogoane, the person asked her to leave upon his arrival. She stated that she did not even finish her beer before leaving, because “*that male looked angry*”. She stated that she walked away to the other street at a house where there was a funeral. As she just got to “*that house she heard a sound of two gunshots from the side she came from. She heard a scream in that street*”. She immediately went back to L[...]

Street and when she got to the deceased's house "*she found the deceased lying towards the door bleeding heavily*". It was not in contention that the aforementioned statements were available to Inspector Makola when he made the arrest.

[16] From the record it is clear that the appellant's counsel, Mr Dikolomela, stated during the trial: '*I indicated to my learned colleague that ... the statements of all witnesses may be ... admitted, except the statement of the arresting officer, because the arresting officer, when deciding to arrest, he looks at the statements...of the witnesses*'. Counsel admitted that the statements of Margaret Magoane, N[...] M[...] T[...], M[...] P[...] T[...] and T[...] T[...] were before the prosecution when it took the decision to prosecute the appellant. The truth of the statements were not admitted. It was common cause that there were four statements contained in the docket which the prosecution had regard to in order to exercise their discretion to prosecute the appellant. The investigating diary of Inspector Makola was also put to the appellant in cross- examination. This diary particularised the various investigations conducted by him *inter alia* prior to affecting the arrest of the appellant on 2 April 2007 and his observations at the crime scene.

[17] At the trial, the appellant testified. In broad terms, he denied any knowledge of the incident or that he knew where the deceased lived. Mr Strydom testified as to the information and the four witness statements contained in the docket which he received on 12 April 2007 and on which the decision to prosecute was based. The court *a quo* found that it was uncontested that much of the evidence considered by Mr Strydom existed when the arresting officer arrested the appellant. It held that the statements of N[...] T[...] and M[...] T[...], which were available to the investigating officer, contained facts which were consistent with the child's report that was later obtained. T[...] T[...]’s statement was later added to the docket and formed part of the decision to prosecute. The court *a quo* found that on the probabilities the same facts were available to the arresting officer, Inspector Makola, as were available to Mr Strydom. It was held that this raised a suspicion on reasonable grounds that the appellant had committed the

murder and that the child's (T[...]')s direct evidence led to more than a reasonable suspicion when Mr Strydom took the decision to prosecute.

[18] The court *a quo* further concluded that the hearsay rule did not come into play. It concluded that on the facts the jurisdictional prescripts of s 40(1)(b) of the CPA were met and that the arresting officer had reasonable grounds for the suspicion that the appellant committed the murder. It further held that the law is clear - once the jurisdictional facts were present, it was for the appellant to show that the discretion to arrest him without a warrant was exercised in an improper manner¹. It held that the appellant did not do so. On that basis, the court *a quo* dismissed the appellant's claim.

[19] The crisp issue to be determined in this appeal is whether the court *a quo* correctly found that the arrest and detention of the appellant was lawful. Put differently, whether the jurisdictional requirements of s 40(1)(b) of the CPA were met. It was common cause that the arresting officer was a peace officer and that murder was a Schedule 1 offence. The appellant's challenge was aimed at the reasonable suspicion of the arresting officer. He did not aver that the arresting officer exercised his discretion to arrest in an improper manner.

[20] Central to the appeal is the appellant's contention that no evidence was led by the respondent pertaining to the arrest and detention of the appellant, which rendered it lawful. He submitted that nobody testified about the jurisdictional prescripts and it was impermissible to infer them without any oral evidence by the arresting officer. The appellant also submitted that the court *a quo* erroneously accepted that the jurisdictional prescripts for affecting the arrest on 2 April 2007 were present and erred in accepting that the arresting officer had a reasonable suspicion without his evidence or that of any police officials who attended the murder scene with him. In sum, it was argued that it was incumbent on the respondent to have led the oral evidence of the arresting officer, Inspector Makola.

¹ *Minister of Safety and Security v Linda* 2014 (2) SACR 464 (GP) at 472D.

[21] The appellant submitted that the court *a quo* erred in concluding that the facts which were considered for the decision to prosecute the appellant were the same facts available to the arresting officer and that the prosecutor who made the decision to prosecute, Mr Strydom, could attest to those facts. Underpinning that submission was the fact that the arrest occurred on 2 April 2007, whilst the docket was received by the prosecutor on 12 April 2007, ten days after the arrest.

[22] The appeal was further predicated on the contention that the respondent was obliged to call the various witnesses who had made the statements, which resulted in the arrest of the appellant. It was submitted that such evidence was necessary to prove the truth of the statements.

[23] On that basis the appellant submitted that the court *a quo* erred in dismissing his claim and that the claim should have succeeded. The appellant submitted that he was entitled to damages for the full period of his incarceration subsequent to his arrest on 2 April 2007 until he was released on 14 December 2007 (255 days). Reliance was placed on *Motladile v Minister of Police*² in contending that the appellant would be entitled to damages in an amount of R3 825 000 or more given his status as police officer. The amount was calculated at a rate of R15 000 per day for a period of 255 days. That amount significantly exceeded the amount claimed in the appellant's particulars of claim.

[24] It is trite that the onus rested on the respondent to establish that the appellant's arrest and detention was lawful.³ It is also well established that a peace officer making a warrantless arrest must comply with the jurisdictional prerequisites set out in s 40(1) of the CPA. These grounds are to be interpreted objectively. It was undisputed that the arrestor was a peace officer.⁴ A suspicion that a person committed an offence must rest on reasonable grounds.⁵ Once the jurisdictional facts are established, a discretion

² *Motladile v Minister of Police* 2023 (2) SACR 274 (SCA), para 17.

³ *Syce and Another v Minister of Police* 2024 (2) SACR 1 (SCA) para 40.

⁴ Under s 1 of the Act, peace officers include police officers.

⁵ *Mabona and Another v Minister of Law and Order and Others* 1988 (2) SA 654 (SE) at 658E-H.

arises whether to arrest or not.⁶ The arresting officer must consider the facts and exercise his or her discretion based on those facts.⁷ The arresting officer (or respondent, as happens in most cases) bears the onus of establishing the jurisdictional facts. If he succeeds, the arrest will be lawful, unless the plaintiff is able to establish that the arresting officer exercised his discretion to arrest in a manner that was unlawful.⁸ The relevant principles are set out in *Minister of Safety and Security v Sekhoto and Another*⁹ and it is not necessary to repeat them.

[25] The jurisdictional requirements are set out in s 40(1)(b) of the CPA as follows:

'A peace officer may, without warrant, arrest any person whom he reasonably suspects of having committed an offence referred to in Schedule 1, other than the offence of escaping from custody'.

[26] On the issue of hearsay evidence, the Supreme Court of Appeal in *Biyela v Minister of Police*, explained the position as follows:¹⁰

"[23] The majority, in the court a quo, found that the magistrate erred in concluding that the information that qualified to be considered whether a reasonable suspicion to arrest existed, had to be evidence which would be admissible in a court of law. They properly characterised the issue and said the following:

'The issue is not whether there is evidence admissible in a court available to the arresting officer, but whether there was information available which would cause him to reasonably suspect the suspect of having committed the relevant offence. The reasonableness

⁶ *National Commissioner of Police and Another v Coetzee* 2013 (1) SACR 358 (SCA) para 14.

⁷ *Groves NO v Minister of Police* 2024 (1) SACR 286 (CC) para 52; *MR v Minister of Safety and Security and Another* 2016 (2) SACR 540 (CC) paras 42-46; *Olivier v Minister of Safety and Security and Another* 2009 (3) SA 434 (W) at 445C-F.

⁸ *Minister of Safety and Security v Sekhoto and Another* 2011 (1) SACR 315 (SCA) at 30, 38; *Lepota v Minister of Police* (Unreported GJ case number 29067/2013), 2 October 2015) at 9-11; *Dunjana and Others v Minister of Police* (Unreported, ECP case number 01/2015, 9 March 2017) at 24; *Matsietsi v Minister of Police* (Unreported GJ case number 03103/2015, 20 February 2017) at 11.

⁹ *Minister of Safety and Security v Sekhoto and Another* 2011 (5) SA 367 SCA paras 28-34, 39-41 (131/10) [2010] ZASCA 141 (19 November 2010) 2011 (5) SA 367 SCA paras 28-34, 39-41; See also the authorities cited regarding the exercise of discretion, above.

¹⁰ *Biyela v Minister of Police* 2023 (1) SACR 235 (SCA).

requirement therefore extends inter alia to the reliability or accuracy of the information upon which an arrest is founded, including the quality and ambit thereof.'

...

"[33] The question whether a peace officer reasonably suspects a person of having committed an offence within the ambit of s 40(1)(b) is objectively justiciable.¹¹ It must, at the outset, be emphasised that the suspicion need not be based on information that would subsequently be admissible in a court of law.

[34] The standard of a reasonable suspicion is very low. The reasonable suspicion must be more than a hunch; it should not be an unparticularised suspicion. It must be based on specific and articulable facts or information. Whether the suspicion was reasonable, under the prevailing circumstances, is determined objectively.

[35] What is required is that the arresting officer must form a reasonable suspicion that a schedule 1 offence has been committed based on credible and trustworthy information. Whether that information would later, in a court of law, be found to be inadmissible is neither here nor there for the determination of whether the arresting officer at the time of arrest harboured a reasonable suspicion that the arrested person committed a schedule 1 offence.

[36] The arresting officer is not obliged to arrest based on a reasonable suspicion because he or she has a discretion. The discretion to arrest must be exercised properly.¹² Our legal system sets great store by the liberty of an individual and, therefore, the discretion must be exercised after taking all the prevailing circumstances into consideration.

...

[38] I, therefore, agree with the majority's characterisation of the issues and its conclusion that a reasonable suspicion can, depending on the circumstances, be formed based on hearsay evidence, regardless of whether that evidence is later found to be admissible or not. Furthermore, I agree with the conclusion that the court of first instance erred in its conclusion that the police officers could not form a reasonable suspicion because such suspicion was based on inadmissible hearsay evidence."

[27] These principles are fatal to the appellant's submissions. *Biyela* is dispositive of the appellant's contentions that the witnesses should have been called to testify and that reliance could not be placed on hearsay evidence. In the present circumstances, the arresting officer's reasonable suspicion could cogently be based on hearsay

¹¹ *Minister of Law and Order and Others v Hurley and Another* 1986 (3) SA 568 (A) at 579H.

¹² *Groenewald v Minister van Justisie* 1973 (3) SA 877 (A) at 883G.

evidence and it was not incumbent on the respondent to call those witnesses to prove the truth of the contents of their statements. It was also not necessary for the arresting officer to testify. Considering the evidence available to the arresting officer, the exercise of his discretion to arrest the appellant in the circumstances, cannot be faulted. It must be remembered that the reasonableness of the suspicion is objective and therefore can be inferred from what was before him.

[28] The appellant's contention that the evidence of Mr Strydom should not have been accepted as evidence for the Minister of Police and that absent the evidence of the arresting officer, no evidence was presented to discharge the onus resting on the respondent to prove that the appellant's arrest and detention was lawful, does not pass muster. The same applies to the appellant's contention that nobody other than the arresting officer and the witnesses he interviewed could testify about how the arresting officer formed the suspicion that appellant had committed the offence of murder. The evidence on which the arresting officer relied was placed before the Court and could be assessed objectively. The approach adopted by the appellant is thus flawed. The submission that an adverse inference should have been drawn against the respondent for its failure to call those witnesses, similarly does not bear scrutiny.

[29] Considering the facts, the finding of the court *a quo* that objectively speaking there was a reasonable suspicion that the appellant was the person who perpetrated the murder on the deceased, cannot be faulted. Even though the court *a quo* found that on the probabilities the evidence which was placed before the prosecutor, Mr Strydom, was the same as the evidence available to the arresting officer, and it appears that the actual statement taken from the eye witness, T[...] T[...], was only taken a day later, this does not mean that the court's conclusion that the arresting officer had formed a

reasonable suspicion was wrong. It is trite that an appeal does not lie against the reasons for judgment but against the substantive order of the court *a quo*.¹³

[30] If the officer who actually made the arrest is unavailable to give evidence it was incumbent upon the court *a quo* to look at the totality of the evidence to decide whether the suspicion harboured by the arresting officer was reasonable. This the court *a quo* did. Considering the contents of the statements which had been taken from Margaret Mogoane, N[...] M[...] T[...] and M[...] P[...] T[...], when considered together with the contemporaneous recordals made by the investigating officer in his investigation diary, there were, objectively speaking, facts presented which were sufficient to link the appellant with the commission of the murder of the deceased and for the arresting officer to have harboured a reasonable suspicion that the appellant had murdered the deceased. There was evidence that the deceased was shot in the presence of the eyewitness who identified Lerato's father, being the appellant, as the person who shot the deceased. From the statements it is clear that T[...] immediately reported this to his grandmother and aunt, the persons who provided the statements. It is evident from the police docket and diary that these statements as well as the statement of Margaret Mogoane was available to the arresting officer, Inspector Makola prior to making the arrest. Her evidence also linked the appellant to the murder of the deceased, as being the last person to see her alive.

[31] The fact that such facts may be based on hearsay does not mean that they must be disregarded. A peace officer is entitled to avail himself of *any* information at his disposal. This may lead to a reasonable suspicion even if the information is *hearsay* in nature, since a suspicion can be reasonable even if there is insufficient evidence for a *prima facie* case to be constituted.¹⁴ Section 40(1)(b), said the court in *Pule*, "*does not require certainty, only a reasonable suspicion*". The officer does not have to be

¹³ *ABSA Bank Ltd v Mkhize and two similar cases* [2013] ZASCA 139; 2014 (5) SA 16 (SCA) at [64]; *Akani Retirement Fund Administrators (Pty) Ltd and Others v Moropa and Others* (1125/2022; 1129/2022) [2025] ZASCA 13 (21 February 2025 at [22]).

¹⁴ *Pule and Others v Minister of Police and Another* (Unreported GP case number 17527/2013, 10 February 2017) at [20]; *Ntuli and Another v Minister of Police* (Unreported GP case number 2858/2017, 10 March 2021) at [39].

convinced that there is in fact evidence proving the guilt of the arrestee beyond reasonable doubt.¹⁵ It was unequivocally stated by the Supreme Court of Appeal in *Biyela*¹⁶ that the admissibility of the evidence about the information relied upon by the arresting officer in the forming of a suspicion “*is neither here nor there*” for determination of whether a reasonable suspicion was harboured by that officer. The information does not have to derive from eyewitness accounts; circumstantial or real evidence may suffice.¹⁷

[32] In *Lifa v Minister of Police and Another*¹⁸ the court, following what had been said in *Biyela*,¹⁹ held that it was *not* a requirement that a *thorough* investigation be held before an arrest without a warrant.²⁰ The need to carry out further investigations, before exercising the discretion to arrest depended, said the court, on the facts of each particular case.²¹ It seems clear, at the very least, that it is not necessary for the relevant police members to have *completed* the investigation before effecting the arrest.²²

[33] The court *a quo*’s conclusion that the arresting officer harboured a reasonable suspicion to arrest the appellant for committing a schedule 1 offence, thus cannot be faulted.

[34] This conclusion is dispositive of the appeal and it is not necessary to consider the remaining issues in any detail. Suffice it to state that the appellant’s submissions regarding the existence of a causal nexus between the unlawfulness of the arrest and

¹⁵ *Gombakomba and Another v Minister of Police and Another* (Unreported GP case number 66631/2012, 16 October 2014); *TKS v Minister of Police and Others* (Unreported GP case number 75903/2013, 12 September 2017) at [22].

¹⁶ Fn 10 *supra* at [35].

¹⁷ *Director of Public Prosecutions, Western Cape v Khumalo; Khumalo v Minister of Police* (Unreported, WCC case number A182/2022, 5 September 2022) at [64].

¹⁸ *Lifa v Minister of Police and Another* 2023 (1) All SA 132 GJ at [49].

¹⁹ *Supra* at [33]-[34].

²⁰ *Malatjie and Others v Minister of Police* (Unreported, GP case number 16853/2020, 6 June 2022).

²¹ *Ibid* at [66].

²² *Rakhotso v Minister of Police and Another* 2023 JDR 3924 (GP at [41J]).

the continued detention of the appellant and his reliance on *De Klerk*²³ does not pass muster. Each case is fact specific and the present facts are distinguishable from those in *De Klerk*. Moreover, on the facts the conclusion cannot be reached that Inspector Makola misled the court at the bail application by relying on incomplete information as contended by the appellant. The appellant's reliance on *Motladile*²⁴ is also misplaced. There the Supreme Court of Appeal deprecated the very practice the appellant relies on of awarding an amount of R15 000 per day for the detention period.

[35] The court *a quo*'s finding that the appellant's claim for unlawful arrest and detention must fail, thus cannot be faulted. For these reasons, the appeal must fail. Given that the respondent did not oppose the appeal, no costs order should be granted.

[36] The following order is granted:

The appeal is dismissed.

**EF DIPPENAAR
JUDGE OF THE HIGH COURT
GAUTENG JOHANNESBURG**

HEARING

DATE OF HEARING : 29 OCTOBER 2025

DATE OF JUDGMENT : 14 JANUARY 2026

APPEARANCES

APPELLANT'S COUNSEL : Mr. L Dikolomela

APPELLANT'S ATTORNEYS : TM Serage Inc.
Mr Serage

²³ *De Klerk v Minister of Police* 2019 (12) BCLR 1425 (CC); 2020 (1) SACR 1 (CC); 2021 (4) SA 585 (CC).

²⁴ *Motladile v Minister of Police* [2023] ZASCA 94.

RESPONDENT'S COUNSEL

: No appearance

RESPONDENT'S ATTORNEYS

: State Attorney
Mr Lebenya