

SOUTH AFRICA / JUDGMENT

Coe v Minister of Safety and Security and Others (627/2011) [2011] ZAWCHC 117 (20 January 2011) [2011] ZAWCHC 117

COURT

Western Cape High Court, Cape Town

BEFORE

Desai

CASE / FILE NUMBER

627/2011

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IN

THE HIGH COURT OF SOUTH AFRICA
(WESTERN
CAPE HIGH COURT, CAPE TOWN)
CASE
NO: 627/2011

DATE:

20 JANUARY 2011

In

the matter between:

NIZAAM
COE

.....Applicant

and

THE MINISTER OF
SAFETY AND
SECURITY

.....1st

Repondent

THE NATIONAL
COMMISSIONER OF
POLICE

.....2nd

Respondent

THE PROVINCIAL
COMMISSIONER OF

POLICE: WESTERN CAPE
.....3rd
Respondent
THE STATION

COMMANDER: CLAREMONT
POLICE STATION
.....4th
Respondent

JUDGMENT

DESAI, J: This appears to be a business dispute which has resulted in accusations of criminal conduct and, ultimately, criminal charges. What causes considerable concern herein, is the apparent abuse of power by certain local police officers. That abuse, or at the best for them gross arrogance, has resulted in the respondents, in effect the tax payer, having to foot the costs of these proceedings.

JUDGMENT

DESAI, J:

This appears to be a business dispute which has resulted in accusations of criminal conduct and, ultimately, criminal charges. What causes considerable concern herein, is the apparent abuse of power by certain local police officers. That abuse, or at the best for them gross arrogance, has resulted in the respondents, in effect the tax payer, having to foot the costs of these proceedings.

Moreover, a judge had to be summoned on an urgent basis on a Friday, that is 14 January 2011, at eleven o'clock the night, that is 23:00, to deal with this matter on an urgent basis. Had it not been for the expertise and persistence of applicant's attorney, Mr Mushtak Parker, the consequences would have been considerably more severe for the applicant. The applicant himself was arrested in unnecessarily embarrassing circumstances at a holiday resort. All of this based upon rather

unbecoming police conduct. It is not necessary to make this order final, because at this stage the charge has been joined onto other charges in another charge sheet. In effect this rule is no longer strictly necessary. As a consequence of the enormous costs that were sustained by the applicant to get himself out on Friday in circumstances where he should not have been arrested in the first place and, the Court notes with disapproval, the apparent misconduct of the police

officers concerned, it is directed that these proceedings in their entirety be typed and presented to the Commissioner or Acting

Commissioner of the Police, Western Cape, for further investigation. The rule in this matter is discharged and the respondents are ordered to pay the taxed or agreed costs of the applicant, the one paying, the others to be absolved. DESAI, J

Moreover, a judge had to be summoned on an urgent basis on a Friday, that is 14 January 2011, at eleven o'clock the night, that is 23:00, to deal with this matter on an urgent basis. Had it not been for the expertise and persistence of applicant's attorney, Mr Mushtak Parker, the consequences would have been considerably more severe for the applicant.

The applicant himself was arrested in unnecessarily embarrassing circumstances at a holiday resort. All of this based upon rather unbecoming police conduct.

It is not necessary to make this order final, because at this stage the charge has been joined onto other charges in another charge sheet. In effect this rule is no longer strictly necessary.

As a consequence of the enormous costs that were sustained by the applicant to get himself out on Friday in circumstances where he should not have been arrested in the first place and, the Court notes with disapproval, the apparent misconduct of the police

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DESAI, J

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/coe-v-minister-of-safety-and-security-and-others-unknown-topic-awchc-2011>

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