

SOUTH AFRICA / JUDGMENT

Combined Private Investigations and Another v Rossouw and Others (448/2012) [2012] ZAFSHC 134 (5 July 2012)

[2012] ZAFSHC 134

COURT

Free State High Court, Bloemfontein

BEFORE

H. Murray

CASE / FILE NUMBER

448/2012

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

FREE STATE HIGH COURT, BLOEMFONTEIN

REPUBLIC OF SOUTH AFRICA

Case NO. 448/2012

In the application between:

COMBINED PRIVATE INVESTIGATIONS1st Applicant

DIRECTOR PUBLIC PROSECUTIONS:

FREE STATE2nd Applicant

and

AC ROSSOUW1st Respondent

THE MINISTER OF POLICE2nd Respondent

THE MINISTER OF JUSTICE3rd Respondent

THE STATION COMMISSIONER, SAPS,

VIRGINIA4th Respondent

HEARD ON: 10 MAY 2012

CORAM: MURRAY, AJ

JUDGEMENT BY: MURRAY, AJ

DELIVERED ON: 5 JULY 2012

-
- [1] This is an interlocutory application in which this Court is asked to discharge or confirm the rule nisi which was granted on an urgent basis on 3 February 2012 and which was extended to 12 April 2012 and again to 10 May 2012 in order to serve before this Court together with the main application in case no 141/2012.
 - [2] The rule nisi was obtained to retain the assets seized from the first respondent herein (the applicant in the main application) on 5 December 2011 in the SAPS 13 store until the main application had been finalised.
 - [3] In the main application the said first respondent asked for the immediate return of the seized items. She based her application on allegations that the warrant of execution was invalid and that the search and seizure were therefore unlawful and that she was therefore entitled to their return.
 - [4] Only the present applicant (the fourth respondent in the main application) opposed her application for the return of the said items. Before the opposing papers could be filed, however, the second respondent herein, the SAPS, decided that the search and seizure had indeed been unlawful and informed the first respondent that it intended to return the seized items to her.
 - [5] That prompted this urgent application to stay the return of the seized items pending finalisation of the main application. Only the first and second respondents herein opposed the urgent application and only regarding the costs orders asked against them.
 - [6] This Court has found the warrant invalid and the subsequent search and seizure unlawful. Since the same facts and the same law underly both these applications, I do not intend to repeat the reasons for my findings which are dealt with fully in the main application.
 - [7] Due to the order made in the main application, namely that the seized items must be returned, it would serve no purpose to confirm the rule nisi.
 - [8] In my view there is no reason for the costs not to follow the outcome.
 - [9] WHEREFORE the following order is made:

The rule nisi is discharged.

The first applicant is ordered to pay the costs of the application.

H. MURRAY, AJ

On behalf of applicant: Adv. W.J. Groenewald Instructed by:

EG Cooper Majiedt Inc BLOEMFONTEIN

On behalf of fourth respondent: Adv. P. Zietsman SC

Instructed by:

Naudes

BLOEMFONTEIN

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAFSHC/2012/134.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/combined-private-investigations-and-another-v-rossouw-unknown-topic-afshc-2012>

Prepared on 11 October 2026 · Esheria