

SOUTH AFRICA / JUDGMENT

Mabota v MEC for Community Safety, In Re: Mabota v MEC for Community Safety (24878/2015) [2018] ZAGPJHC 64 (10 April 2018) [2018] ZAGPJHC 64

COURT

South Gauteng High Court, Johannesburg

BEFORE

Fisher

CASE / FILE NUMBER

24878/2015

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REPUBLIC OF SOUTH
AFRICA

IN

THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL
DIVISION, JOHANNESBURG

Case

Number: 24878/2015

In

the matter between:

MAXWE
MBONGENI
MABOTA Plaintiff
And
MEC
FOR COMMUNITY
SAFETY Defendant
Case
Number: 36213/2015
(Consolidated)

under case number:

24878/2015)
PETRUS
GOODWILL THOLINHLANHLA
MABOTA Plaintiff
MEC
FOR COMMUNITY
SAFETY Defendant

JUDGMENT

FISHER J:

INTRODUCTION

- [1] This matter relates to two cases (numbers 24878/2015 and 36213/2015) which have been consolidated for hearing after close of pleadings. Both involve an incident which culminated in the arrest of two brothers (each a plaintiff) to whom I shall refer to as Maxwe and Petrus. The consolidation took place under case number 24878/2015 but the matters were referred to throughout the hearing by the separate case numbers under which they were instituted.
- [2] The brothers each seek damages against the MEC for Community Safety arising from an incident in which they were unlawfully arrested and maliciously prosecuted which resulted in their unwarranted detention. In addition Petrus suffered an assault.
- [3] Maxwe seeks an amount of R 625 000 (which comprises R75 000 for future medical treatment in the form of psychotherapy, medication, and consultation; R 150 000 for malicious prosecution; and R400 000 for general damages which include injury to his dignity and reputation). Petrus claims R 725 000 (which comprises R75 000 for future medical expenses; R 150 000 for malicious prosecution and R 500 000 for general damages – which include an assault on him, and injury to his dignity and reputation).

FACTUAL ANALYSIS AND DISCUSSION

- [4] The incident occurred on 24 September 2013, which is a public holiday (Heritage Day). Maxwe testified first. He is presently 27 of age and was 23 at the time of the incident. He works as a freelance cameraman. At the time of the incident he worked as a freelance photographer using his Canon video camera. He was at home at the residence in Protea Glen that he shared with his mother, his older brother Petrus, and his sister, when he heard a helicopter overhead.
- [5] He fetched his camera and went outside to film the helicopter which was hovering nearby. He perceived that there was some heightened activity in the street behind his home, which was where the helicopter was headed. He hurried to the scene, which was a house in

the neighbourhood. Other members of the community were also converging on the scene as the activity had also attracted their interest. Various law enforcement vehicles had arrived at the scene. The officers involved in the incident, being Provincial Inspectors Kenosi Sydney Mogogodi, Ngefoni Joseph Sempe, and their Supervisor, Inspector Michael Mavunga, were among the first to arrive at the scene. Their evidence was to the effect that they heard of a stolen vehicle which had been

registered on a common radio service which linked in with a commercial tracking device. The crew of the helicopter, which was a

SAP helicopter, were also on the radio wavelength and they also proceeded to the scene. The evidence of the officers was to the

effect that they had been informed by radio by the helicopter pilot that he had seen two males on the premises to where the stolen

vehicle, a blue VW Polo, had been traced. The pilot was never called and he was never interviewed in the ensuing investigation.

- [6] Maxwe testified that, once at the scene, he witnessed the three officers entering the premises and that they looked around the yard but found nobody there. The yard of the premises had an open driveway in the front and was fenced along each side. There was one house on the property. Parked in front of the house and visible from the street was a white VW Golf. The stolen Polo vehicle was not visible from the street.
- [7] At the same time and nearby, Petrus, who worked as a welder making security bars and gates, was returning from work with a friend. He is 36 years of age and was 32 at the time of the incident. He took a shortcut home and, on the way, noticed the helicopter preparing to land in a street near his home. He had a welding job in the neighbourhood. He went home, changed his clothes, and then, after collecting money from the house where he was to perform the welding work, he set out for a nearby Shell garage where he intended to purchase welding rods for the job. On the way he was given a lift by a neighbour. When he was walking back to from the Shell garage he noticed that there were still people congregated at the scene and he decided to go and look on. There he saw Maxwe, who was taking photographs. He heard someone call "Max" which is a name that Maxwe is called in the neighbourhood. The officers having searched the property and found nobody there had, at that stage, moved out of the premises and were preparing to depart the scene. Maxwe testified that one of the officers, as he was preparing to leave the scene in his vehicle noticed Maxwe filming the scene. He turned off his vehicle, got out, and started moving towards Maxwe. Fearing the worst, Maxwe removed the memory card from his camera and put it in his pocket. He wanted to preserve the content on the card - which included the footage just taken as well as some photographs which he had taken under commission at weddings and some personal photographs. He described the officer who approached him as light in complexion and about his height. Both brothers testified that the camera was taken from Maxwe and that he was roughly manhandled, handcuffed, and placed under arrest.

[8] Petrus then approached to enquire what was happening to Maxwe. He was sworn at by the officer who was handcuffing and pulling at Maxwe. He retaliated by asking why he had been sworn at. There can be no doubt that the exchange was heated. The officer's colleagues heard the altercation. They were then directed to handcuff Petrus as well. Petrus was then hit in the jaw by the officer who was arresting Maxwe. Petrus was then hit on his left side with a rifle butt by the same officer. He fell to the ground and was kicked. He was handcuffed and pushed against the police van causing him to injure his knees. He was put into one vehicle and Maxwe in another. Maxwe was driven by Inspector Sempe and Petrus, by Inspector Mogogodi.

[9] On the evidence of the brothers they were taken first to the Shell garage in the vicinity of the scene. On the way, Petrus

complained to Inspector Mogogodi that the handcuffs were too tight. He was thereupon assaulted again by being hit with the back of the hand of the hand by Mogogodi. He was then taken out of the vehicle for the purpose of being moved to another vehicle. In the process, his handcuffs were deliberately pulled on by Mogogodi, which caused injuries to his wrists. He begged that this be stopped but to no avail.

[10] The brothers were then transported to the Protea Glen police station. At the police station they were kept in their respective vehicles. Maxwe testified that at the police station the car radio was put on and a sports match was listened to by Mogogodi who then went into the station and came back to the vehicle where he filled out forms. Maxwe testified further that Petrus was then brought to the vehicle and asked to sign documents. When he enquired why he was being asked to sign the documents he was hit again. The brothers were, at this stage, asked for their names, surnames, and the address at which they lived for the purposes of filling in the forms.

[11] Once in the police station, Supervisor Mavunga, on establishing the identity of the brothers, indicated that he knew the surname. It appeared that the mother of the brothers was employed as a Metro Police officer. Mavunga stated in his evidence that he had worked with her when he was in the Metro Police Department some years before. It is common cause that she later came to the station and spoke with Mavunga. He testified that he had reassured her that all would be well and that she should allow the process to take its course. After the paperwork was done the brothers were taken to the holding cells at Protea Glen station where they were detained by the SAPS. The brothers testified that, on admission to the cells, Petrus was bleeding from his mouth. The brothers were put into the police holding cells with two other arrestees. The brothers testified that their mother asked that she be allowed to photograph Petrus' injuries but that this was refused.

[12] Petrus was in pain and complained that he needed medical assistance. He was thus taken to Chiawelo Clinic by the SAPS. He was seen by a doctor at the clinic who thoroughly examined him – including the taking of x-rays. A report of the doctor who examined him forms part of the discovery in this matter. It is admitted by the defendant to be what it purports to be. It

shows, from its face, that Petrus was examined and that the following injuries were recorded by the doctor: “tender left sacral area; mild swelling on both sides of jaw; bruising from handcuffs –both wrists”. It was recorded also that on presentation Petrus was complaining of pain in the left sacral area and both sides of his jaw.

- [13] Although the report is not dated by the medical examiner, it bears the date stamp of the SAPS which reveals a date of 26 September 2013. This suggests that it was received into or at least recorded in the records of the station on that date. There is thus objective evidence that Petrus was seen by a medical practitioner who filled out the report and recorded injuries which on the face of the report coincide with the version of the brothers.
- [14] It is common cause that, on 26 September 2013, after having spent two nights in the police cells, the brothers were taken to Protea Magistrates’ Court where they were placed in the holding cells. They stayed there, with a number of other detainees awaiting court appearances, until the end of the court day – at which stage they were released without charge. It is common cause that the Prosecutor dealing with the case ultimately declined to prosecute it. Before being allowed to leave, the brothers had their fingerprints taken and their details recorded.
- [15] The MEC called the three provincial officers concerned in the arrest to testify. It was conceded by all the officers that only they were involved in the arrest of the brothers and that, from the time that the brothers were removed from the scene in Protea Glen to the time that they were handed into the custody of the SAP at the Protea Glen police station, they were in the custody of these three provincial officers.
- [16] Inspector Mogogodi was the first to testify for the defendant. He admitted that the brothers were arrested by him and his colleagues.

He said this was because they were found inside the yard where the stolen vehicle, in its stripped state, was located. Thus s 40(1)(b)

and/or (e) of the Criminal Procedure Act 51 of 1977 was invoked by the defendant, in an attempt to justify the arrest and detention of the brothers on the basis that they were found in possession of stolen property or reasonably suspected of being in such possession.

- [17] The three officers all stuck loosely to the same story – i.e. that they were alerted by the SAPS helicopter that two males had been located on the premises to which the stolen vehicle had been tracked and that, on reaching the scene, they found the brothers inside the yard. They all indicated that it was because of this presence in the yard they were justifiably suspected to be in possession of stolen property which, in turn, justified their arrest and detention. All three denied any assault, although there was some indication from Inspector Sempe that Petrus may have been “pinned” to the ground in order to effect the arrest – although this evidence was vague and was not confirmed by his fellow officers.

- [18] The defendant contends that I should not accept the versions of the brothers and thus either dismiss the action or grant absolution from the instance in each matter.
- [19] During the cross examination of Maxwe, it unexpectedly emerged that he still had the memory card which he had removed from the camera on the day of the incident. Counsel for the plaintiffs explained that this had not previously come to his attention as he had only consulted with Maxwe for the first time on the morning of the commencement of the trial.
- [20] The filmic content, which it was testified by Maxwe that he took on the day, revealed footage of the helicopter taken from outside a house that was testified to be the home shared by the brothers, their mother, and sister. There was then further footage of the outside of the premises where the stolen vehicle was found. There is footage and photographs of the scene which reveal law enforcement officers, including those who belonged to the unit to which the officers belonged. Inspector Sempe was able to identify himself on the photographs.
- [21] It was reluctantly conceded by all three officers that, if the footage was indeed taken by Maxwe, then it accords with his version and would reflect theirs to be false. To my mind, there can be no doubt that the footage is that which was taken by Maxwe on the day. It accords precisely with his version and in fact someone out of screen can be heard calling to him by his nickname “Max” on one video clip. What is more, Inspector Mavunga testified that when found Maxwe in the yard and asked him to explain his presence there he stated that “he was taking photographs”. The fact that he had a camera with him suggests the truth of this version.
- [22] The three officers were all, in their own way, poor witnesses. This is especially true of Inspector Mogogodi who was aggressive,

argumentative, and belligerent with counsel for the plaintiffs throughout his cross examination. In fact, at times, his conduct was such that it bordered on the contemptuous in respect of the court proceedings. Officer Sempe was a reluctant and uncooperative witness. There was a sense that he was attempting to tailor his evidence to fit in with the other two witnesses. Inspector Mavunga was also careful to give a version which coincided with the salient features of the testimony of the other two officers: in essence being that the brothers were arrested for being in possession of a stolen vehicle; that they were found inside the yard in which the vehicle was situated; and that they gave unsatisfactory explanations as to their presence in the yard when questioned. The evidence of all three officers was vague and purposely lacked detail. None could explain the video footage and photographs of the scene – save to posit that they could have been taken by someone else. Inspector Mavunga did however state that, when he asked Maxwe what he was doing on the scene, he said that he was there to take photographs. None of the inspectors could explain the medical report.

- [23] The Supreme Court of Appeal, in the case of Stellenbosch Farmers Winery Group Ltd and Another v Martell Et Cie and Others 2003 (1) SA 11 (SCA) at 14-15, stated:

“To come to a conclusion on the disputed issues the court must make findings on (a) the credibility of the various factual witnesses;

- (b) their reliability; and (c) the probabilities. ... 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 ...”

[24] On my assessment of all the evidence, the probabilities, and the credibility of

the MEC’s witnesses, I must regrettably make the finding that the officers concerned were not only each lying in their own right, but that all three were involved in a conspiracy to hide the unlawful conduct which was perpetrated on the plaintiffs. This conspiracy involved the laying of false charges in an attempt to justify the arrest and each lying to hide the assaults that took place.

[25] It appears that what occurred was as follows: a radio alert went out in relation to a stolen vehicle that was fitted with a commercial tracking device. A number of mobile enforcement services, including a SAP helicopter responded to this call. The signal emitted from the tracker led to the yard and there the stolen vehicle was discovered. The three officers in question were first on the scene and entered the yard to conduct a search. They found the house on the property locked and the yard deserted. The stolen vehicle was recovered but had already been stripped. The officers, having checked the scene, began dispersing.

[26] The confluence of the security services at the scene had attracted the interest of the community, some of whom flocked to the scene. The plaintiffs were part of this crowd. They arrived separately. Maxwe had his camera and was filming outside the premises. As one of the officers was leaving in his vehicle, he noticed Maxwe filming the scene. He took offence at the fact that Maxwe should be filming the officers going about their duties. He switched off the vehicle, got out, and began approaching Maxwe who, noticing his approach and seeing it as sinister, removed the memory card. Maxwe was then asked to stop filming and, it seems that the exchange grew heated and culminated in Maxwe being handcuffed by the officer. Petrus witnessed this arrest of his younger brother, and stepped forward to assist. It may or may not be that he was aggressive in his approach. The matter then deteriorated to a point where Petrus was assaulted and also handcuffed. And thus a point of no return was reached. It was necessary either to follow through with the arrest or to own up to the unlawfulness of the conduct and take responsibility. Unfortunately, the officers chose the former route. This had the result that a charge was fashioned and laid by the officers in question. Inspector Mogogodi acknowledged that it was him who laid the charge on behalf of the MEC.

[27] The behavior of these officers is deplorable. They acted with clear malice and a flagrant disregard for their Constitutional functions and duties. Their actions are redolent of the worst type of police brutality meted out in our pre- constitutional era. There is no place in our system of law enforcement for this kind of conduct and it must be dealt with swiftly and effectively by the correct channels. To treat this matter without due seriousness would be to set a dangerous precedent. The authorities should, with respect, be mindful of the

importance of investigating such occurrences and rooting out those responsible. The fact that the public purse is burdened in the compensation of such infractions is not without importance in relation to their individual culpability.

[28] To my mind, in each instance where this sort of conduct is pronounced upon by the courts on the basis that the conduct of security officers is found to be wanting or, as in this instance, alarmingly aberrant – the necessary investigations into their conduct by the official disciplinary channels must, as a matter of course, ensue. There is no place for such conduct and those officers concerned should be rooted out and sanctioned for the protection of the public.

[29] Matters such as this are not uncommon in these courts. Often the officers concerned are not named. This is, more often than not, because the victim of the unlawful conduct is not able to name the or, in some cases, is too afraid to do so. The State defendants often simply rely on a testing of the evidence of the plaintiff, without more, as there is no evidence made available for the State. This position is untenable and leads to injustice. It also lends itself to possible corruption within the justice system.

[30] One would think that those on duty at the relevant time would, of necessity, be a matter of record and thus of relatively easy

determination. If there is no accessible record of those performing duties at relevant times, then this is an indication of a system in collapse. Such circumstances would tend to promote a sense of impunity and the abuse of power by security forces.

[31] The objects of the Independent Police Investigative Directorate (IPID) Act are, inter alia, to ensure independent oversight of the South African Police Service and Municipal Police Services; to provide for independent and impartial investigation of identified criminal offences committed by members of the South African Police Service and Municipal Police Services. In terms of s 21(1) of the IPID Act, a Provincial Head is responsible to facilitate investigation of cases and to

report to the relevant MEC. In terms of s 28 of the IPID Act the Directorate is obliged to investigate any complaint of torture or assault against a police

officer in the execution of his or her duties or other matters referred to it as a result of a decision of, inter alia, an MEC.

[32] It must be said that, even on the officers' version of events, the plaintiffs were not in possession of the stolen vehicle but were merely on the premises where it was found. It was never in dispute that they did not live on such premises. Thus the requirements for possession or, at least, a reasonable suspicion thereof, were not established by the defendant, which bore the onus to establish that the arrest of the plaintiffs was lawful (see *Zealand v Minister of Justice and Constitutional Development and another* 2008 (2) SACR 1 (CC) at paras 24 and 25).

[33] As to the claims for malicious prosecution, the plaintiffs had to prove that the defendant set the law in motion (instigated or instituted the proceedings); that the defendants acted without reasonable and probable cause; that the defendants acted with “malice” (or *animo injuriandi*); and that the prosecution had failed (*Rudolph and others v Minister of Safety and Security and another* 2009 (5) SA 94 (SCA) at para 16).

[34] On the facts and the analysis thereof which is set out above the plaintiffs have established the requirements of malicious

prosecution.

[35] Counsel for the MEC sought to delay the hearing on the basis that he contended that the Minister of Police should be joined. I dealt with this dilatory plea as a separated issue at the commencement of the trial and handed down a separate judgment. In essence, it is clear that the claims for damages begins and ends with the conduct of the Provincial officers. The police at the station took the plaintiffs into custody at the instance of and on the information provided by the Provincial Officers. The power to arrest is distinct from the power to detain an arrestee at a police station after the arrest. The two powers are exercised

independently of each other. No claim is made as to the detention, save in the respect that it was a consequence of the unlawful arrest and malicious prosecution which was foreseen by the officers.

DISCUSSION ON QUANTUM

[36] The Supreme Court of Appeal held as follows in *Minister of Safety and Security v Tyulu* 2009 (5) SA 85 (SCA) at paragraph 26:

*“In the assessment of damages for unlawful arrest and detention, it is important to bear in mind that the primary purpose is not to enrich the aggrieved party but to offer him or her some much-needed solatium for his or her injured feelings. It is therefore crucial that serious attempts be made to ensure that the damages awarded are commensurate with the injury inflicted. However, our courts should be astute to ensure that the awards they make for such infractions reflect the importance of the right to personal liberty and the seriousness with which any arbitrary deprivation of personal liberty is viewed in our law. I readily concede that it is impossible to determine an award of damages for this kind of injuria with any kind of mathematical accuracy. Although it is always helpful to have regard to awards made in previous cases to serve as a guide, such an approach if slavishly followed can prove to be treacherous. The correct approach is to have regard to all the facts of the particular case and to determine the quantum of damages on such facts (*Minister of Safety and Security v Seymour* 2006 (6) SA 320 (SCA) at 325 para 17; *Rudolph and Others v Minister of Safety and Security and Another* 2009 (5) SA 94 (SCA) paras 26-29).”*

[37] I have had reference to other matters which involve similar elements to the those at hand and I have used these as guides where I have deemed this appropriate. Matters that have been compared in this way are the following: *Rudolph and Others v Minister of Safety and Security and Another* (supra); *Minister of Safety and Security vs Seymore* 2006 (6) SA 320

(SCA); Van Rensburg v City of Johannesburg 2009 (2) SA 101 WLD; Pasha v Minister of Police (unreported judgment by Epstein AJ dated 23 November 2012 under South Gauteng High Court case number 25524/2008); Mothoa v Minister of Police (unreported judgment by Hutton AJ dated 8 March 2013 under South Gauteng High Court case number 2011/505); Black v Minister of Police (unreported judgement by Windell J dated August 2013 under case number 2011/38093); Keitumetsi Letlalo v Minister of Police (unreported judgment by Francis J dated 28 March 2014, under Gauteng Local Division, Johannesburg case number 28575/12); Mandleni (supra); Mathe v Minister of Police (33740/14) [2017] ZAGPJHC 133; Nzuza v Minister of Police (unreported judgment of Sutherland J dated 24 May 2017 under case number 9069/2013); Vilakazi v Minister of Police (as yet unreported (but marked reportable) judgment of Weiner J under case number 13/24830 dated 15 August 2017.)

[38] It is clear to me that both Maxwe and Petrus were degraded and humiliated by these officers. This took place in the presence of a crowd of people made up of members of the community in which they lived. They were assaulted handcuffed and arrested in the presence of this crowd as if they were dangerous criminals. They were deprived of their liberty and found themselves in the custody and under the total control of and at the whims of these officers who were patently malicious and who subjected them to constant threat of harm. This was indeed a terrifying and emasculating ordeal and amounted to mental and physical torture. They were then faced with the further indignity, humiliation, and insecurity of false charges being laid against them. These charges were intended to lead to their incarceration and indeed did so. Their public arrest and humiliation, and the charges made against them have led to continued embarrassment and shame within their community. They were, no doubt, thought of by some as guilty of the charges brought against them – and this would, without doubt, have affected their reputation and sense of well-being and acceptance within their community. Petrus suffered the pain and the discomfort of being incarcerated in uncomfortable circumstances for almost 3 days whilst being in an injured state.

[39] The plaintiffs called, as expert witnesses, a specialist psychiatrist Dr L Fine in respect of both of their claims for future medical costs and presumably for general damages as well. Petrus also called a specialist physician, Dr G Promnitz. Dr Fine consulted with both plaintiffs, prepared reports, and testified as to the psychological effects of the trauma visited upon the brothers – including psychological sequelae. Dr Promnitz consulted, reported, and testified as to Petrus' alleged complaint that he still suffered debilitating physical

injuries more than four years after the assault. Dr Promnitz agreed that the assault caused no lasting physical disability.

[40] To my mind, these experts' evidence is superfluous and tendentious. The report of Dr Promnitz showed no enduring physical

disability. His evidence served no discernable purpose. The evidence of Dr Fine was also of no value. It suggested that the brothers each now suffer from a stress disorder as a result of their experiences. The problem is that the assessment undertaken was narrow and purposive. It did

not deal with other aspects of the plaintiffs' lives which could have created psychological upheaval. In the end, the evidence did no more than restate the distress and suffering of the plaintiffs which was amply conveyed with reference to their own evidence. It certainly did not support the future medical expenses contended for.

[41] In all the circumstances I have decided to award damages to the plaintiffs respectively as follows:

- a. In respect of Maxwe's case (brought under case number 24878/2015) – R 160 000 (comprising R 60 000 for malicious prosecution and R 100 000 for general damages arising from the unlawful arrest);
- b. In respect of Petrus' case (brought under case number 36213/2015)
 - R 200 000 (comprising R 60 000 for malicious prosecution and R140 000 for general damages arising from the unlawful arrest and assault).

COSTS

[42] Counsel for the MEC argued that the costs should be awarded on the Magistrates' Court scale. However, the monetary value of a claim is not the only determinative factor to be taken into account when deciding whether costs should be awarded on the Magistrate's

Court scale (see: *R A and Others v The Minister of Police* (Unreported full bench judgment dated 21 April 2016 under Gauteng Division case number A315/2015)).

[43] When one takes into account the nature of the matters, which involves issues of fundamental public interest – such as the right to freedom, dignity, and security it seems that this is a proper matter for the consideration of this court. I take note also of the need for the type of comparative exercises which are required for a determination of quantum and the elements of this case which may give some guidance in the right circumstances. I am thus of the view that it is proper in this case that costs be awarded on the High Court scale. This is obviously not to say that the Magistrates' Courts are not able to make the required public interest determinations or that the High Court is always the only or most appropriate forum for the bringing of matters of this nature.

[44] In light of the fact that the expert evidence was such that it contributed nothing to the exercise of determining the damages, I am of the view that all the costs associated with the testimony of Drs Fine and Promnitz, including the consultations and reports, should be disallowed. Legal representatives should be dissuaded from seeking needlessly to embellish cases in this manner, on the assumption that the costs will inevitably be borne by the State.

[45] I thus make the following orders:

1. The defendant is to pay to the plaintiff, Maxwe Mbongeni Mabota the amount of R 160 000.

2. The defendant is to pay the plaintiff, Petrus Goodwill Tholinhlanhla Mabota the amount of R 200 000.
3. The costs of both actions and such actions as consolidated are to be born by the defendant; provided that all the costs associated with the testimony of Drs Fine and Promnitz, including the consultations and reports are disallowed.
4. The defendant is immediately to do all things necessary to initiate an inquiry under the IPID Act into the conduct of the officers concerned in this matter, the unlawful arrest and malicious prosecution of the plaintiffs, and the assault on Petrus Mabota.

FISHER J

HIGH COURT JUDGE

GAUTENG LOCAL DIVISION

Date of Hearing: 19-23 March 2018

Judgment

Delivered: 10 April 2018

APPEARANCES:

For the 1st and 2nd Plaintiff: Adv M Witz instructed by Witz, Calicchio, Isakow & Shapiro Attorneys Inc.

For the Defendant: Adv M Zondi Instructed by the State Attorney.

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