

SOUTH AFRICA / JUDGMENT

Mahlangu v Correctional Supervision and Parole Board and Others (111600/2024) [2024] ZAGPPHC 1304 (19 December 2024) [2024] ZAGPPHC 1304

COURT

North Gauteng High Court, Pretoria

BEFORE

Holland-Muter

CASE / FILE NUMBER

111600/2024

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO: 111600/2024

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: YES

DATE: 19 December 2024

SIGNATURE

In the matter between:

MARTIN MAHLANGU

Applicant

and

CORRECTIONAL SUPERVISION AND PAROLE BOARD 1st Respondent

NATIONAL COUNCIL FOR CORRECTIONAL SERVICES 2nd Respondent

MINISTER OF CORRECTIONAL SERVICES 3rd Respondent

REASONS AS REQUESTED FOR ORDER GRANTED

(The matter was heard in open court and an order was granted. The request for written reasons was received via the office of the court's registrar and the reasons were uploaded onto the electronic file of the matter on CaseLines. The date of the reasons is deemed to be the date of uploading of the reasons onto CaseLines).

BEFORE: HOLLAND-MUTER J:

[1] (The matter was heard in open court and after hearing both parties' counsel, an Ex Tempore Judgment was granted as per the draft order marked "XYZ", and the order uploaded onto CaseLines on 26 November 2024.

[2] The State Attorney, Nelspruit (Mbombela) requested written reasons for the order granted in a letter forwarded to the court's

registrar. The normal procedure is that reasons are requested by way of a pleading and not by way of a letter.

[3] The transcript of the ex tempore judgment has not been received to date hereof.

[4] The Respondents objected to the litigation by the Applicant and accused the Applicant of abusing the litigation process. I respectfully disagree with this allegation. The relief previously sought before Lenyai J differs from the relief sought in the current

application. In the previous application (with the outstanding judgment) the relief sought was (i) to review the refusal by the

Third Respondent to release the Applicant on parole and (ii) to review the decision of the Department of Correctional Services to transfer the Applicant from the Witbank Correctional Centre to the Barberton Correctional Centre.

[5] The relief requested in the present application is (i) for the Second Respondent to consider the decision of the 1st Respondent (The Parole Board) and advise the 3rd Respondent to (ii) consider the decision of the 2nd Respondent to consider whether the Applicant's situation has changed since his previous appearance before the Parole Board in 2022 and that the 18 month further profile period placed upon the Applicant has lapsed.

[6] The court was of the view that the Applicant qualifies to again appear before the Parole Board. The order does not compel any of the Respondents to release the Applicant on parole but only to consider whether his application be reconsidered taken into account that he attended the required courses, that the eighteen month further profile period has lapsed and depending on the internal report by the officer who investigates and compile the necessary report for the Parole Board.

[7] The court is of the view that the Applicant need not give reasons for the withdrawal of the first urgent application for 22 November 2024 and that the current application, although similar in context to the first application, warranted consideration.

- [8] The court was further of the view that it was fair and just that each party be responsible for his own costs.
- [9] The Office of the State Attorney is requested to follow the correct procedure when requesting reasons for a judgment.

HOLLAND-MUTER J

JUDGE OF THE PRETORIA HIGH COURT

Matter was heard on 26 November 2024 but in view thereof that the ex tempore judgment is still outstanding, the court opted to give the reasons above. Uploaded onto CaseLines on 19 December 2024

Appearances:

On behalf of the Applicant: Adv V Mukwevho On behalf of the Respondents: Adv T Vukeya

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPPHC/2024/1304.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/mahlangu-v-correctional-supervision-and-parole-board-and-others-unknown-topic-agpphc-2024>

Prepared on 11 October 2026 · Esheria