

SOUTH AFRICA / JUDGMENT

Van Vuuren N.O and Another v Director of Public Prosecutions and Another (Leave to Appeal) (26135/2017) [2024] ZAGPPHC 832 (13 August 2024)

[2024] ZAGPPHC 832

COURT

North Gauteng High Court, Pretoria

BEFORE

Bokako

CASE / FILE NUMBER

26135/2017

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REPUBLIC

OF SOUTH AFRICA

THE

HIGH COURT OF SOUTH AFRICA

GAUTENG

DIVISION, PRETORIA

CASE

NO: 26135/2017

(1)

REPORTABLE: YES/NO

(2)

OF INTEREST TO OTHER JUDGES: YES/NO

(3)

REVISED:

DATE:

13 AUGUST 2024.

SIGNATURE:

IN

THE MATTER BETWEEN: JOHANNA
SUSANNA VAN VUUREN N.O.
FIRST APPLICANT
JOHANNA
SUSANNA VAN VUUREN
SECOND APPLICANT
AND
THE
DIRECTOR OF PUBLIC PROSECUTIONS
FIRST RESPONDENT
THE
MINISTER OF POLICE
SECOND RESPONDENT

JUDGMENT

FOR LEAVE TO APPEAL

BOKAKO AJ

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the judgment is deemed to be 13 August 2024.

INTRODUCTION

1. This is an application for leave to appeal the judgment and order of this Court handed down on 14 February 2024. The court dismissed the Applicant's claims for wrongful arrest, detention, and malicious prosecution in that judgment. The applicant seeks to challenge that order before the SCA or a full bench. The respondents opposed the application.
2. It is a trite principle of our law that leave to appeal may only be given where the Judge or Judges concerned believe that the appeal would have a reasonable prospect of success or where there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration. (See section 17 (J)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013).
3. The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal, and I do not intend to restate them in this judgment. Furthermore, . I would like to extend my gratitude and appreciation to both counsels for the submissions made in their heads of argument and at the hearing of this application.
4. I believe that I have considered all the issues raised in this application for leave to appeal in my judgment. I am therefore persuaded that another Court may come to a different conclusion in this case. Therefore, the application for leave to appeal is granted.

5. In the circumstances, I make the following order:

1. The application for leave to appeal to the full bench of this Division against the judgment and order of 14 February 2024 is granted.
2. Costs of the application for leave to appeal are costs in the appeal.

T BOKAKO

Acting Judge of the High Court

Gauteng Local Division, Pretoria

APPEARANCES

DATE OF HEARING: 24 JULY 2024 DATE OF

JUDGMENT:

13 AUGUST 2024 COUNSEL FOR APPLICANT: ADV BOUWER COUNSEL FOR RESPONDENT: ADV MOSOMA

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Prepared on 13 October 2026 · Esheria