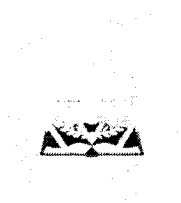


IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)




Case number: 37510/2012

Date: 26/7/16

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: YES/NO
- (2) OF INTEREST TO OTHERS JUDGES: YES/NO
- (3) REVISED

26/7/2016 
DATE SIGNATURE

In the matter between:

SATHYANDRANATH RAGUNANAN MAHARAJ

FIRST APPLICANT

ZARINA CARRIM MAHARAJ

SECOND APPLICANT

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

THIRD APPLICANT

And

M AND G CENTRE FOR INVESTIGATIVE JOURNALISM NPC

FIRST RESPONDENT

M AND G MEDIA LIMITED

SECOND RESPONDENT

STEPHEN PATRICK "SAM" SOLE

THIRD RESPONDENT

JUDGMENT
(APPLICATION FOR LEAVE TO APPEAL)

PRETORIUS J.

- (1) I have considered the application for condonation for the late filing of the application for leave to appeal by the National Director of Public Prosecutions. The respondents opposed the application due to the application only being served and filed on 17 June 2016, one day before the leave to appeal was to be heard.
- (2) The second and third respondents, in the main application, the present first and second applicants, served and filed their application for leave to appeal timeously on 17 May 2016.
- (3) I have considered the reasons for requesting leave to appeal by the first and second applicants and have come to the conclusion that leave to appeal to the Supreme Court of Appeal should be granted, as there is a reasonable prospect that another court may come to a different conclusion in regards to the respondents being in possession of the documents of the investigation. As a result of deciding to grant leave to appeal to the first and second applicants, I will grant condonation to the third applicant as well as grant leave to appeal.

(4) In the result the following order is made:

1. Leave to appeal to the Supreme Court of Appeal is granted;
2. Cost of the condonation application to be paid by the third applicant, the National Director of Public Prosecutions.
3. Costs to be costs in the appeal.

A handwritten signature in black ink, appearing to read 'Pretorius', is written over a horizontal line.

Judge C Pretorius

Case number : 37510/2012

Matter heard on : 20 June 2016

For the 1st and 2nd Applicants : Adv MR Hellens SC

Instructed by : BDK Attorneys

For the 3rd Applicant : Adv K Pillay SC, Adv M Lekoane

Instructed by : The State Attorney

For the Respondents : Adv F Ismail, Adv Webber

Instructed by : Webber Wentzel Attorneys

Date of Judgment : 26 July 2016