

## Supreme Court of Appeal of South Africa

### MEDIA SUMMARY– JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: Friday 1 June 2007

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

#### Singh v National Director of Public Prosecutions

In a judgment today the Supreme Court of Appeal has upheld an appeal by a property owner (Singh) relating to a preservation order granted in terms of s 38 of POCA in respect of her immovable property.

The NDPP had alleged that the property was an instrumentality of the offence of drug dealing in contravention of s 5(b) of the Drugs and Drug Trafficking Act 140 of 1992.

Singh (the appellant) is the owner of the property and her son administered the property on her behalf. The property has been let to a tenant, Ms Joan Cele, who runs an unlicensed boarding establishment on the property, offering accommodation at hourly and daily rates. The property has, during the period 1996 to 2003, been the subject of sporadic police action. As a result of this police action, 36 arrests have been made on the property for drug related offences. During these police raids, drugs such as dagga, mandrax and cocaine were found on the property. Based on the foregoing, the allegation was made by the NDPP that drug dealers were resident on the property as well as using the property to sell drugs. It was alleged by the NDPP that despite several warnings by members of the South African Police Service (SAPS), neither Singh nor her son, took reasonable steps to ensure that the property did not become a haven for drug dealers looking for a secure environment from which to ply their trade.

The SCA, in a judgment by Theron AJA in which Harms JA, Cameron JA, Lewis JA and Cachalia JA concurred, held that the analysis of the evidence provides no more than that persons who from time to time reside on the property either possessed or dealt in drugs on occasion. There is no evidence that these persons were identified as drug dealers or how often the same persons were involved in drug dealing or that they permanently resided at the premises or did so for any extended period. The drug dealing appears to have been committed by a number of different people acting independently from each other.

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