

SUPREME COURT OF APPEAL OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL**

**THE DIRECTOR OF PUBLIC PROSECUTIONS (KWAZULU-NATAL) AND
A HENRY AND OTHERS CASE NO 305/07**

From : The Registrar, Supreme Court of Appeal

Date: 29 May 2008

Status: Immediate

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

The SCA today dismissed an appeal brought by the Director of Public Prosecutions (KwaZulu-Natal) against a costs order granted against it in review proceedings in the High Court, Pietermaritzburg. The SCA referred to the well established rule that a court of first instance exercises a judicial discretion and a court of appeal will interfere only if the exercise of that discretion is vitiated by misdirection or irregularity, or if there are no grounds on which a court, acting reasonably, could have made the order in question. In the present case there was a valid

ground for the order made and the appellant was unable to point to any irregularity or misdirection on the part of the High Court. Accordingly the appeal had to fail.

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