



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

DATE 28 March 2019

STATUS Immediate

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

The Director of Public Prosecutions, KwaZulu-Natal v Ramdass (1236/2017)
[2019] ZASCA 23 (28 March 2019)

Media Statement

The Supreme Court of Appeal (SCA) today refused leave to appeal to the State against the refusal by the KwaZulu-Natal Division of the High Court, Durban, to reserve certain questions of law for consideration by the SCA. It did so for the reason that none of the issues sought to be reserved could be classified as questions of law. The SCA examined the correct jurisdictional path that should have been followed by the State in order to obtain the ordinary leave of the SCA to appeal. Originally, the State had erroneously and unsuccessfully sought the special leave of the SCA to appeal. The State then successfully sought and obtained from the President of the SCA an order in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013, for a reconsideration and variation of the refusal of special leave by this court. The SCA reconsidered the order refusing special leave, condoned the irregularities in the procedure followed by the State and varied the order refusing special leave to appeal, with an order refusing ordinary leave to appeal to the SCA.

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