

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NUMBER: 76755/2018

In the matter between:

JOAO RODRIGUES

Applicant

and

**THE NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS OF SOUTH AFRICA**

First Respondent

**MINISTER OF JUSTICE AND CORRECTIONAL
SERVICES**

Second Respondent

THE MINISTER OF POLICE

Third Respondent

IMITIAZ AHMED CAJEE

Fourth Respondent

APPLICANT'S APPLICATION FOR CONDONATION

KINDLY TAKE NOTICE that Applicant intends to apply to the above Honourable Court for an order in the following terms:

- 1 That the Applicant's failure to timeously file additional and supplementary grounds for his application for leave to appeal against the judgment and order

by the Honourable Kollapen J with the Honourable Moshidi J and Opperman J delivered on the 3rd of June 2019 in this Honourable Court, be condoned;

- 2 That the Applicant be allowed to supplement his application for leave to appeal against the judgment and order by the Honourable Kollapen J with the Honourable Moshidi J and Opperman J delivered on the 3rd of June 2019 in this Honourable Court with the further grounds as set out in the attached NOTICE OF SUPPLEMENTARY APPLICATION FOR LEAVE TO APPEAL ON BEHALF OF APPLICANT;

- 3 Further and as alternative relief.

PLEASE TAKE NOTICE that the affidavit of JOAO RODRIGUES together with Annexures thereto will be used in support of this application.

SIGNED at PRETORIA on this 30th day of AUGUST 2019


BEN MINNAAR ATTORNEYS
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**TO: THE REGISTRAR OF THE
HIGH COURT
JOHANNESBURG**

**AND TO: THE NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS
FIRST RESPONDENT
C/O STATE ATTORNEY: PRETORIA
316 THABO SEHUME STREET
SALU BUILDING
PRETORIA
REF: PETER SELEKA**

**SERVED BY E-MAIL AS AGREED TO:
Pseleka@justice.gov.za**

**AND TO: THE MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES
SECOND RESPONDENT
C/O STATE ATTORNEY: PRETORIA
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SALU BUILDING
PRETORIA
REF: PETER SELEKA**

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**AND TO: THE MINISTER OF POLICE
THIRD RESPONDENT
C/O STATE ATTORNEY: PRETORIA
316 THABO SEHUME STREET
SALU BUILDING
PRETORIA
REF: PETER SELEKA**

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AND TO: IMTIAZ AHMED CAJEE
FOURTH RESPONDENT
C/O LEGAL RESOURCES CENTRE
BRAAM FISHER TOWERS
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Fourth Respondent

**APPLICANT'S AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR
CONDONATION**

I the undersigned

JOAO RODRIGUES

hereby state under oath as follows:

Handwritten signature and initials in black ink, located in the bottom right corner of the page.

1.

- 1.1 I am an adult male and the applicant in this application.
- 1.2 The facts herein are within my personal knowledge unless otherwise indicated and are both true and correct to the best of my ability.
- 1.3 In so far as legal argument is made herein it is done on the advice of my legal representatives and I accept their advice in this regard.

2.

This is an application wherein I seek condonation for my failure to address all the groups of appeal in my original NOTICE OF APPLICATION FOR LEAVE TO APPEAL that was filed on my behalf on 21 June 2019 and for the NOTICE OF SUPPLEMENTARY APPLICATION FOR LEAVE TO APPEAL ON BEHALF OF APPLICANT be allowed to supplement same.

3.

On preparation of the written submissions in support of my application for leave to appeal it came to the attention of my legal advisors that the Notice filed on 21 June 2019 did not include as a ground of appeal the fact that there are some compelling reasons why the appeal should be heard as is provided for in section 17(1)(a)(ii) of the Superior Courts Act.

Handwritten signature and initials in black ink, consisting of a circled monogram and a cursive signature.

4.

It is respectfully submitted that the Respondents cannot be prejudiced by the late notice of the inclusion of this further ground of appeal as they only have to file their written submissions on or before the 9th September 2019 and will have ample opportunity to research and address this ground should they decide to do so.

5.

I humbly submit that the failure to include this further ground of appeal was due to an oversight and not a wilful disregard of the Court's procedure or the legislative requirements for notices of these nature.

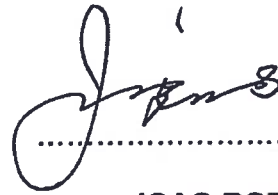
6.

It is further my humble submission that it is in the interest of justice that all the relevant issues, including the allegation that there are some compelling reasons why the appeal should be heard should be fully ventilated and that this relevant factor should be argued when the above Honourable Court consider the application.



7.

In the aforesaid I respectfully pray that the condonation as set out in the Notice of Motion be granted.



JOAO RODRIGUES

I certify that the deponent acknowledged that he knew and understood the contents of this declaration, did not have any objection to taking the prescribed oath and he considered the oath to be binding on his conscience. I therefore administered the oath by causing him to utter the following words. "I swear that the contents of this declaration are true, so help me God". Thereafter the deponent in my presence signed the declaration at ...Pretoria..... on this 30.... day of ...August..... 2019 on which date at which place I also signed this certificate.

0913841-2


COMMISSIONER OF OATHS
L.J. Malebati

