



## JUTA'S ADVANCE NOTIFICATION SERVICE

OCTOBER 2015

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### **JUDGMENTS OF INTEREST IN THE OCTOBER EDITIONS OF THE SALR AND SACR LAW REPORTS.**

- [Click on the case name to download the original judgment.](#)

#### **SOUTH AFRICAN LAW REPORTS**

##### **Shoplifting accusation and defamation**

A customer falsely accused of shoplifting would establish the fault element of an injuria or defamation claim if able to show negligence on the part of the shop owner. The shop owner would escape liability if able to show that there were reasonable grounds for suspecting the customer. *Pieterse v Clicks Group Ltd and Another* 2015 (5) SA 317 (GJ)

##### **E-cigarettes and the rule of law**

The Medicines Control Council seized a consignment of imported electronic cigarettes, on the ground that they contained nicotine, a scheduled medicine. Quick Drink complained that the seizure was unlawful because it amounted to selective and unconstitutional enforcement of the relevant legislation. *Quick Drink Co (Pty) Ltd and Another v Medicines Control Council and Others* 2015 (5) SA 358 (GP)

##### **Duty of disclosure to insurance company**

The court a quo rejected Mr Jerrier's insurance claim for damage to his motor vehicle on the basis that his failure to inform the insurer of two previous accidents, for which he never claimed, amounted to a material non-disclosure. He had decided not to claim for these accidents because he believed that the cost of the repairs would be less than his excess payment, and because he did not want to lose his no-claim bonus. Read the appeal here. *Jerrier v Outsurance Insurance Co Ltd* 2015 (5) SA 433 (KZP)

## ***SOUTH AFRICAN CRIMINAL LAW REPORTS***

### **Hearsay evidence against accused by co-accused**

The differentiation between accused implicated by confessions and those implicated by admissions could not be lawfully sustained. The common-law position that extra-curial confessions and admissions by accused were inadmissible against co-accused was to be restored. *S v Mhlongo; S v Nkosi* 2015 (2) SACR 323 (CC)

### **Young offenders and drug abuse**

The 17-year-old perpetrator was under the influence of alcohol and crack cocaine when he brutally murdered his adoptive parents. The cruel and savage way in which the appellant had killed two people who were kind to him, who sustained him from birth, who had tried to deal with his drug addiction, and who treated him as their own child, filled one with revulsion. Any sentence which failed to recognise the severity of the crimes could lead to society losing its confidence in the criminal justice system. *S v SD* 2015 (2) SACR 363 (SCA)

### **Attempted murder during robbery**

Whether the accused is guilty of two separate crimes depends on whether the violence committed against the victim exceeded the limits required for robbery, and accused had the intention to kill, and not merely the intention to incapacitate the victim. *S v Mahlamuza and Another* 2015 (2) SACR 385 (SCA)

## **WE WELCOME YOUR FEEDBACK**

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Kind Regards

**The Juta Law Reports Team**

# **SOUTH AFRICAN LAW REPORTS**

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