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APRIL 2016

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Herewith the cases in the April law reports.

JUDGMENTS OF INTEREST IN THE APRIL EDITIONS OF THE *SALR AND SACR LAW REPORTS*

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

SOUTH AFRICAN LAW REPORTS

Can hacked electronic data be used as evidence?

Under the Electronic Communications and Transactions Act, anyone who intentionally accesses or intercepts data without authority or permission to do so, is guilty of an offence. Is data so obtained admissible in court? *Harvey v Niland and Others* 2016 (2) SA 436 (ECG)

No eviction before appeal

Mr Mathale lived in a house for 20 years, and resisted eviction while he appealed the execution order. To have his home taken away while he defended his rights in the courts, given the sanctity of a home, would not be just and equitable. *Mathale v Linda and Another* 2016 (2) SA 461 (CC)

The Public Protector

The nature of the Public Protector's power 'to take appropriate remedial action' included the power to determine the remedy, and to direct its implementation. Her findings had legal consequences until set aside, and her recommendations of remedial action had to be implemented. If a body disputed them, its remedy was review. *South African Broadcasting Corporation SOC Ltd and Others v Democratic Alliance and Others* 2016 (2) SA 522 (SCA)

SOUTH AFRICAN CRIMINAL LAW REPORTS

A king in a constitutional democracy

A king set fire to the houses and crops of subsistence farmers; assaulted three young men so severely that even his henchmen could not bear to watch; kidnapped the wife and children of a subject he considered to be a dissident; and issued a fine of ten head of cattle to the bereaved father of a son killed by the king's supporters. The appellant contended that he was a caring and compassionate king, and that his behaviour was beyond reproach. *S v Dalindyebo* 2016 (1) SACR 329 (SCA)

Plea-and-sentence agreement

The accused assaulted and abused a 5-year-old boy, causing his death. The court was not happy with the plea-and-sentence agreement, and imposed a different sentence. On appeal, it was held that when a trial judge regards the plea-agreement sentence as unjust, he should, at the outset of the trial, inform the parties of this view and also of the sentence he considers fair. *S v DJ* 2016 (1) SACR 377 (SCA)

Template for search warrants to be revised

A specific official entrusted to execute search should be identified; the specific statutory offence, including the statute and section applicable, should be stated; and the affidavit on which the warrant was granted by a magistrate should be made available to the person in charge of the premises at the time of the search. *Goqwana v Minister of Safety and Security NO and Others* 2016 (1) SACR 384 (SCA)

WE WELCOME YOUR FEEDBACK

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Kind Regards

The Juta Law Reports Team

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