

IN THE HIGH COURT OF SOUTH AFRICA
(FREE STATE DIVISION, BLOEMFONTEIN)

Application no. 2484/2023

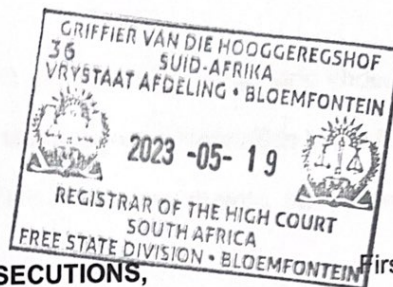
In the matter between:

NANDIPHA MAGUDUMANA

Applicant

and

**THE DIRECTOR OF PUBLIC PROSECUTIONS,
FREE STATE**



First Respondent

**THE MINISTER OF THE SOUTH AFRICAN
POLICE SERVICES (N.O.)**

Second Respondent

CAPTAIN FLYMAN

Third Respondent

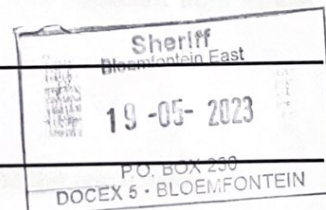
**THE PRESIDING MAGISTRATE (N.O.) –
CASE NUMBER 20A/113/23
MAGISTRATE'S COURT BLOEMFONTEIN**

Fourth Respondent

**THE HEAD OF THE BIZZAH MAKHATE
CORRECTIONAL CENTRE: KROONSTAD**

Fifth Respondent

NOTICE OF MOTION



BE PLEASED TO TAKE NOTE that Nandipha Magudumana (hereinafter called "*the Applicant*") on Thursday, the **25th May 2023** at 09h30 (as soon as the motion court is

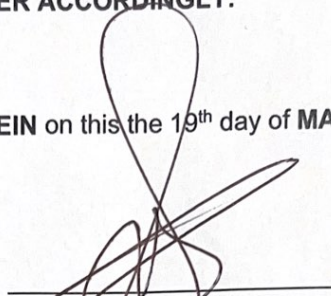
concluded) will apply to this Court for orders in the following terms:

1. That this application be heard as an urgent application in terms of Rule 6(12) of the Court Rules and the non-compliance with process, service and form be condoned.
2. Declaring that the Applicant's apprehension, arrest and abduction in Tanzania on or about the **7th April 2023** and subsequent transportation to the Republic of South Africa and purported arrest and detention pursuant thereto, be declared wrongful and unlawful.
3. Declaring that the arraignment before the Fourth Respondent under Bloemfontein case number **20A/113/23** is a nullity and setting aside the proceedings before the Fourth Respondent in respect of the Applicant.
4. Directing the orders and warrants by the Fourth Respondent in terms whereof the Fifth Respondent detain the Applicant to be null and void.
5. Declaring that the Applicant is entitled to be discharged from detention and directing the Fifth Respondent to immediately discharge the Applicant from further detention.
6. Costs only against such Respondents as may oppose the application.
7. Further and/or alternative relief.

PLEASE TAKE NOTICE that the affidavit of the Applicant, together with the annexures thereto will be used in support of the application.

BE PLEASED TO ENROL THE MATTER ACCORDINGLY.

DATED and SIGNED at **BLOEMFONTEIN** on this the 19th day of **MAY 2023**.



(Sgnd.) M MACHINI MOTLOUNG
ATTORNEY FOR THE APPLICANT
ATTORNEY WITH THE RIGHT OF APPEARANCE IN TERMS
OF SECTION 4(2) OF ACT 62 OF 1995
MACHINI MOTLOUNG INC. ATTORNEYS
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PHG OFFICE SUITE
OLYMPUS AVENUE
HELICON HEIGHTS
BLOEMFONTEIN
Cellphone number: 0715676544
Email : machini@mmincattorneys.com
Ref: Machini 001223

TO:

THE REGISTRAR
FREE STATE HIGH COURT
BLOEMFONTEIN

AND TO:

FIRST RESPONDENT
THE DIRECTOR OF PUBLIC PROSECUTIONS,
FREE STATE

AND TO:

SECOND RESPONDENT
THE MINISTER OF THE SOUTH AFRICAN
POLICE SERVICES

c/o THE OFFICES OF THE STATE
ATTORNEY
11TH FLOOR, FEDSUIRE BUILDING
49 CHARLOTTE MAXEKE STREET
BLOEMFONTEIN

AND TO:

THIRD RESPONDENT
CAPTAIN FLYMAN

AND TO:

FOURTH RESPONDENT
THE PRESIDING MAGISTRATE
MAGISTRATE'S COURT,
BLOEMFONTEIN

AND TO:

FIFTH RESPONDENT
THE HEAD OF THE BIZZAH MAKHATE
CORRECTIONAL CENTRE, KROONSTAD