


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, JOHANNESBURG)

**CASE NO: 2023-053299**

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED YES
20 May 2024	
Date	Signature

In the matter between:

**THC THE HEALTH CENTRE (PTY) LTD t/a THC PHARMACY**

Applicant

and

**THE SOUTH AFRICAN HEALTH  
PRODUCTS REGULATORY AUTHORITY**

1<sup>st</sup> Respondent

**THE MINISTER OF POLICE**

2<sup>nd</sup> Respondent

**DIRECTORATE FOR PRIORITY  
CRIME INVESTIGATION GAUTENG**

3<sup>rd</sup> Respondent

**CAPTAIN JOHANNES HENDRIK LAST  
OF THE GAUTENG SERIOUS  
ORGANISED CRIME INVESTIGATION  
UNIT, OF THE DIRECTORATE FOR  
PRIORITY CRIME INVESTIGATION**

4<sup>th</sup> Respondent

**SOUTH AFRICAN PHARMACY COUNCIL**

5<sup>th</sup> Respondent

Heard: 7 July 2023

First Judgment: 3 April 2024

Second Judgment: 20 May 2024

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## JUDGMENT

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**MOVSHOVICH AJ:**

1. Pursuant to my judgment of 3 April 2024, the first respondent made submissions on 17 April 2024, as contemplated in paragraph 72.8 of that judgment. Those submissions reinforce the conclusions reached by me on the substantive issues in the judgment, and the legal basis for such conclusions.
2. None of the other parties made any submissions.
3. Nothing in the submissions, in my view, requires me to modify the order I made on 3 April 2024. In the circumstances, I thus make the following final order (which adopts the definitions used in my judgment of 3 April 2024):
  - 3.1 the application is enrolled on the urgent roll and the applicant's non-compliance with the time periods and forms prescribed under the Rules is condoned;
  - 3.2 the late delivery of the SAPS answering papers is condoned and any costs occasioned by such late delivery are costs in the cause of the application;
  - 3.3 subject to what is set forth in 3.4 below, the second and third respondents are ordered to restore possession of the relevant articles to the applicant within 10 days of the date of this order;
  - 3.4 the first and fifth respondents and the persons who conducted the inspection of the premises on their behalf on 22 May 2023 are afforded an opportunity to exercise their powers (including any seizure powers) in relation to some or all of the relevant articles within five days of the date of this order. For those purposes,

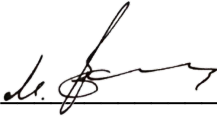
the relevant articles will, at all relevant times, be deemed to be in possession of the applicant and not in the possession of the SAPS. The first and fifth respondents shall communicate their decisions in respect of the exercise of their powers in writing to the SAPS and the applicant within the aforesaid five day period, so as to afford the second and third respondents an opportunity to restore possession to such of the relevant articles as will not be seized by the first and/or fifth respondent within 10 days of the date of this order;

3.5 the second to fourth respondents shall bear the costs of the applicant in the application, including the costs of two counsel where so employed, save for any costs occasioned by the first respondent's opposition to the relief sought against it;

3.6 save as aforesaid, each party will bear its own costs in the application.

**Hand-down and date of judgment**

4. This judgment is handed down electronically by circulation to the parties or their legal representatives by email and by uploading the judgment onto Caselines. The date and time for hand down of the judgment are deemed to be 10:00 on 20 May 2024.

A handwritten signature in black ink, appearing to read 'V.M. Movshovich', is enclosed within a red rectangular box. A horizontal line extends from the right side of the box.

**VM MOVSHOVICH**

**ACTING JUDGE OF THE HIGH COURT**

Applicant's Counsel: E Kilian SC and C Cremen

Applicant's Attorneys: Symes Inc

First Respondents' Counsel: JM Berger and EC Chabalala

First Respondents' Attorneys: Maluleke Inc

Second to Fourth Respondents' Counsel: CR Minnaar

Second to Fourth Respondents' Attorneys: State Attorney

Date of Hearing: 7 July 2023

Date of First Judgment: 3 April 2024

Date of Final Judgment: 20 May 2024