



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

1 October 2010

STATUS: Immediate

Sello v Grobler (623/09) [2010] ZASCA 134 (1 October 2010)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Today the SCA upheld an appeal by the appellant, a pharmacist, against an order of the South Gauteng High Court dismissing an application to declare a search and seizure operation conducted at his pharmacy and home in Benoni, Gauteng, unlawful.

The search and seizure exercise was a joint operation between members of the Organised Crime Unit of the South African Police Service and the members of the Medical Regulatory Affairs Inspectorate. The items seized during the search included items allegedly stolen, expired medicines and other medicines which had no proper identifying details.

The respondents conceded during argument that the search was unlawful. The only issue the SCA had to decide was which items the appellant was lawfully entitled to have returned to him.

The SCA held that, since the appellant did not set out in his founding affidavit the items he was entitled to have returned to him, the court could order the return, to him, of only those items he was lawfully entitled to possess.