**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION 3012**

**DATE OF QUESTION: 19 OCTOBER 2018**

**DATE OF SUBMISSION: 2 NOVEMBER 2018**

**Mr M Waters (DA) to ask the Minister of Justice and Correctional Services:**

(1) With regard to case number 108/06/2016 reported at the Edenvale Police Station, what (a) were the initial reasons that the Chief Prosecutor decided to proceed with the prosecution, (b) were the reasons the court withdrew the charges and (c) are the reasons that the Chief Prosecutor is now refusing to reinstate charges;

(2) what evidence against the accused has changed that justifies the Chief Prosecutor’s decision not to proceed with prosecution?

**NW3326E**

**REPLY:**

I have been informed by the National Prosecuting Authority that:

1. The senior prosecutor was of the view that a *prima facie* case had not been made out. However, they relied on the wrong section of the relevant Act. The office of the Director of Public Prosecutions (DPP) reviewed the matter and decided to prosecute.
2. This question falls away as the DPP has overruled the decision of the senior prosecutor and decided that prosecution should be instituted. The matter is on the court roll of the Germiston Regional Court and has been remanded to 16 November 2018.