

MTSWENI v MINISTER OF POLICE (54918/2017)[2020] ZAGPPHC 389

Summary

The Plaintiff sued the Minister of Police after being unlawfully arrested & detained in 2016 by members of the SAPS as well as for the bodily injuries and trauma sustained consequent from this incident. The court had previously held that the Defendant was liable for all the Plaintiffs proven or agreed damages. This matter thus only dealt with the issue of quantum in regard to the Plaintiff's damages. The Plaintiff had sustained a gunshot wound to his left leg, a chest injury when a bullet traversed the right lung and psychological trauma. At the time of the incident the Plaintiff was working as a cook. He had alleged the pain he experiences as a result of his bodily injuries negatively affect his performance in carrying out the duties of his job.

The court held as follows:

- a. In respect of his unlawful arrest and detention he was awarded R40 000.00
- b. In respect of his loss of amenities of life, and pain & suffering he was awarded R130 000.00.
- c. In respect of his future medical expenses he was awarded R82 443.00
- d. In respect of his past & future loss of income he was awarded R514 264,65.

Accordingly therefore the Defendant was ordered to compensate the Plaintiff an amount of R766 707.65 together with the costs of the trial.

Full case citation: **Mtsweni v Minister of Police (54918/2017) [2020] ZAGPPHC 389**

Read full case on: <http://www.saflii.org/za/cases/ZAGPPHC/2020/389.pdf>