



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 273/23

In the matter between:

HENRY EMOMOTIMI OKAH

Applicant

and

THE STATE

First Respondent

**NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS**

Second Respondent

MINISTER OF POLICE

Third Respondent

**MINISTER OF JUSTICE AND CORRECTIONAL
SERVICES**

Fourth Respondent

ORDER


CORAM: Maya CJ, Kollapen J, Majiedt J, Mathopo J, Mhlantla J, Rogers J, Theron J and Tshiqi J.

The Constitutional Court has considered the application for condonation, the application for rescission and the application for leave to file a replying affidavit and has concluded that, although no case has been made out for rescission, the delay in bringing the application is minimal, the explanation for the delay is adequate and there is no prejudice to the respondent. Consequently, condonation is granted, but rescission must be refused as no case has been made out for it. The application to file a replying affidavit is also refused. The Court has decided not to award costs.

Order:

1. Condonation is granted.

2. Leave to file a replying affidavit is refused.
3. Rescission is refused.


DUNISANI MATHIBA
ACTING REGISTRAR
CONSTITUTIONAL COURT

P/Bag X1, Constitution Hill, Braamfontein 2017

2025 -02- 18

CC-001

TO: HENRY EMOMOTIMI OKAH

Applicant

Kgosi Mampuru II Correctional Facility

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