

IN THE HIGH COURT OF LESOTHO

In the matter between:

TEBOHO MOKOLANE

Applicant

v

OFFICER COMMANDING CID (QUTHING)
COMMISSIONER OF POLICE
THE ATTORNEY GENERAL

1st Respondent
2nd Respondent
3rd Respondent

J U D G M E N T

Delivered by the Hon. Acting Mr. Justice D. Levy
on the 30th day of May, 1986

This matter differs from the other matters I have heard today although all were heard together. The Applicant for the return of his vehicle is also a different person.

In this case the vehicle which is claimed is alleged by the Respondent to bear a false registration number, A0554. This number it is said belonged to a vehicle which was the property of certain Masupha Mofoka which was a Datsun Coaster 1977 model and not an E20 Datsun 1979 model mini bus. The former vehicle was deregistered and the number A 0554 was allotted to another vehicle owned by Collier & Yeats and which is a Toyota Van.

Prima facie, therefore, Applicant has been using vehicle A 0554 in contravention of Section 10(2) of the Road Traffic Act 1981 which prohibits the driving or possession of a vehicle bearing a false registration number. Section 10(5) provides that a Court convicting a person of this offence may declare the vehicle forfeited to the State unless a lawful claimant claims possession of the vehicle

/in terms ...

in terms of Section 10(6). At this stage the police are investigating the true ownership of this vehicle.

Applicant claims that he bought it legitimately from Masupha Mofoka, but if he did then it is not the vehicle A 0554 which was lawfully registered in Mofoka's name. Applicant has so far failed to prove lawful ownership of this vehicle. Moreover the police are entitled for the similar reasons set out in CIV/APN/152/86 to detain this vehicle pursuant to the provision of Section 52 of the Criminal Procedure Act.

This application is dismissed with costs.

D. LEVY

ACTING JUDGE

30th May, 1986

For the Applicant : Mr. M. Gwentshe

For the Respondents : Mrs Ntsonyana