



**ENQUIRY INTO THE
SOUTH GAUTENG
DIRECTOR OF PUBLIC
PROSECUTIONS'
FITNESS TO HOLD OFFICE**

**IN THE ENQUIRY IN TERMS OF SECTION 12(6) OF THE NATIONAL
PROSECUTING AUTHORITY ACT 32 OF 1998 INTO THE FITNESS OF
ADVOCATE A CHAUKE (ADV CHAUKE) TO HOLD THE OFFICE OF THE SOUTH
GAUTENG DIRECTOR OF PUBLIC PROSECUTIONS**

HELD IN PRETORIA

In the matter between:

THE EVIDENCE LEADERS N.O.

Applicant

and

ADV MASENYANE ANDREW CHAUKE

Respondent /
Counter applicant

RULING – APPLICATION FOR POSTPONEMENT

PANEL/CORUM

Nkabinde J – Chairperson

Adv Baloyi-Mere SC – Panel Member

Attorney Ramagaga – Panel Member



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HANDED DOWN ON MONDAY, THE 9th DAY OF FEBRUARY 2026.

1. This matter was postponed to today, the 9th of February 2026, after the Evidence Leading Team had sought a postponement orally without a substantive application. They requested a postponement to Wednesday, the 11th of February 2026. The Evidence Leaders were directed by the Panel to file a substantive application for postponement and were placed on terms whereby they were ordered to file their application by noon on Saturday, the 7th of February 2026, and Advocate Chauke's team to file their answering affidavit by noon on Sunday, the 8th of February 2026.
2. The Evidence Leading Team were ordered to file their reply, if they are so minded, by midnight on Sunday, the 8th of February 2026.
3. The Evidence Leading team had subsequently applied for a postponement of the hearings to the 16th of February 2026. In their substantive application, among the reasons why they sought the postponement, is that they do not have witnesses that are ready to be called and also the fact that Advocate Batohi's personal legal representative would be appointed soon. We now know that they have been appointed over the weekend, and so the Evidence Leading Team could not commit on when Advocate Batohi will take the witness stand, if she is so advised.



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4. The application for postponement is opposed by the Advocate Chauke team, who have since filed a counterapplication wherein they sought to call their witnesses while the Evidence Leading Team is still getting their house in order.
5. The Parties have since reached an agreement, which I will read into the record shortly on behalf of the Panel.
6. The agreement, which the Panel accepts, takes on an extraordinary process wherein Advocate Chauke will lead his evidence before the Evidence Leading Team have finalised their evidence. We, as a Panel, agree with this approach for the sake of expediency with a view to avoid prejudice on the part of Advocate Chauke if the Enquiry is further delayed.
7. We are all aware that this Enquiry is regulated by the NPA Act (primarily) and all other relevant legislation. Section 12(6)(aA) provides for the time period within which the President must make a determination.
8. Advocate Chauke was suspended on the 20th of July 2025 and the President, in terms of the NPA Act, has until the 19th of July 2026 to announce his decision following the recommendations of the Panel.
9. Given this time frame, it is clear that the Enquiry does not have much time. Further and undue delays cannot be entertained.



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10. Against this background, we have considered the draft ruling by the Parties in terms of which an agreement has been reached and we order as follows:

ORDER

11. In line with the agreement of the parties, the Enquiry directs as follows:

11.1 The application for postponement to Tuesday, 17 February 2026 is dismissed.

11.2 The counterapplication launched by Advocate Chauke's team is granted subject to the necessary modification of the relief sought in the notice of motion.

11.3 Advocate Chauke will open his case and commence with leading evidence on Thursday, 12 February 2026.

11.4 Advocate Chauke will call Advocate Maema to testify on 12 February 2026, subject to the following:

11.4.1 Advocate Chauke will circulate Advocate Maema's witness statement on or before 10h00 on Tuesday, 10 February 2026; and



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- 11.4.2 Advocate Chauke will serve Advocate Maema's supplementary statement and relevant documents (if any) by no later than 12h00 on Wednesday, 11 February 2026.
- 11.5 Subject to the direction of the Panel, the Evidence Leaders may give notice of their intention to lead further evidence after Advocate Chauke's witnesses have been led and his case has been closed.
- 11.6 The parties agree that witness statements shall be served at least 2 days before the witness is called to provide viva voce evidence.
12. The timeframes will be revisited by the Panel in due course.
13. This draft ruling, by consent or agreement, is made the Ruling of the Panel.

We so order.

SIGNED ON MONDAY, THE 9th DAY OF FEBRUARY 2026

**ADV PHUTI SETATI
ENQUIRY SECRETARY**