

MISC APP 380/12

IN THE HIGH COURT OF SIERRA LEONE

BETWEEN:

SIM TURAY - APPLICANT

AND

MRS MARIATU FINNOH - RESPONDENT
(wrongly described as MRS MARIAMA FINNOH)

COUNSEL:

E T KOROMA ESQ for Respondent
Applicant present but unrepresented

BEFORE THE HONOURABLE MR JUSTICE N C BROWNE-MARKE
JUSTICE OF APPEAL

ORDERS MADE ON 10 DECEMBER, 2012

1. This is an Application dated 19 November, 2012 in which the Applicant, wrongly described as Appellant in the Motion paper, seeks the Leave of the Court, and an extension of time within which to appeal against the decision of two Justices of the Peace given on 10 September, 2012. He was convicted by the JPs of the offence of Assault contrary to Section 19 of Cap 37. He was acquitted and Discharged on the other 4 Counts in the Information filed by the Respondent.
2. At the first hearing of this Application on 27 November, 2012, Mr J B Jenkins-Johnston appeared as Counsel for the Applicant. I pointed out to him that any application for leave to enlarge time, could not be heard ex parte. He ought to serve the other side and he was directed to do so. On 5 December, 2012 Mr Koroma appeared as Counsel for the Respondent. He said he had no objection to the Application. Notwithstanding the absence of Counsel for the Applicant, and in view of Mr Koroma's stance, I hold that this is a matter I could deal with on the basis of the papers filed. I so informed the Applicant who was present in Court, and Mr Koroma. I also informed them that I would give a Ruling on the 10th instant. The Applicant notified the Court that he would be travelling out of the jurisdiction on Sunday 9th instant and would not therefore be in Court to

hear the Court's decision. I directed him to inform his Counsel ~~of~~ that the decision would be given today. *Alle*

3. I THEREFORE ORDER as follows:

- i. The Applicant herein, SIM TURAY is, pursuant to Section 42(4) of the Courts' Act, 1965 and Rule 2 of the Appeals from Magistrates' Courts Rules, 1969 - S.I. 25 of 1969, granted an extension of time within which to file an appeal against the decision of the Justices of the Peace dated 10 September, 2012. The Notice of Appeal shall be filed and served within 7 days of the date of this Order, otherwise, this Order shall lapse.
- ii. The Applicant shall pay the Respondent, the Costs occasioned by this Application, such Costs assessed in the sum of Le750,000 the same to be paid before the filing of the Notice of Appeal.

Alle

THE HONOURABLE MR JUSTICE N C BROWNE-MARKE