

IN THE SUPREME COURT OF SIERRA LEONE

AND

IN THE MATTER OF THE CONSTITUTION OF SIERRA LEONE 1991 ACT NO. 6 OF 1991.

AND

IN THE MATTER OF AN APPLICATION UNDER SECTION 125 OF THE CONSTITUTION OF SIERRA LEONE ACT NO. 6 OF 1991 AND UNDER THE COMMON LAW FOR LEAVE TO APPLY FOR AN ORDER OF CERTIORARI AND FOR DIRECTIONS AND CONSEQUENTIAL ORDERS AND IN THE MATTER OF THE ENGLISH SUPREME COURT RULES

AND

IN THE MATTER OF THE ANTI-CORRUPTION ACT 2000

AND IN THE MATTER

BETWEEN:-

EXPARTE MUCTARU OLA TAJU-DEEN

- APPLICANT

AND

THE COMMISSIONER OF THE ANTI-CORRUPTION COMMISSION

8 WESLEY STREET

FREETOWN

- 1ST RESPONDENT

AND

THE ANTI-CORRUPTION COMMISSION

8 WESLEY STREET

FREETOWN

- 2ND RESPONDENT

AND THE STATE, represented by THE LEARNED ATTORNEY-GENERAL
AND MINISTER OF JUSTICE

3RD FLOOR, GUMA BUILDING

LAMINA SANKOH STREET

FREETOWN.

- 3RD RESPONDENT

T.M. TERRY, ESQ., FOR THE APPLICANT.

R U L I N G

This is an ex parte Notice of Motion by the Applicant herein seeking the following Orders:-

- (1) An Order granting leave to the Applicant herein Muctaru Ola Taju-Deen for an Order of Certiorari to issue both under the Common Law and Section 125 of the 1991 Constitution of Sierra Leone to bring up to the Supreme Court for the purposes of its being quashed the purported Report and/OR the purported undated Extracts of the alleged Findings of the Anti-Corruption Commission signed by the Commissioner of the Anti-Corruption Commission that evidence exists of alleged non existing offences against the Plaintiff herein under a Non-Existing Act to wit the Purported Anti-Corruption Commission Act 2000 upon grounds of failure to observe one of

the fundamental principles of natural Justice, Committal of Error of law on the Face of the Records and several other Errors of Law, want of Jurisdiction and/OR excess of jurisdiction, as set forth and contained in the Copy Statement herewith exhibited to the affidavit in Support of this Application.

(2) An Interim Stay of the Criminal Proceedings Holden at High Court No. 1 before the Hon. Mrs. Justice Patricia Macauley in the case Between THE STATE VS. HONOURABLE JUSTICE MUCTARU OLA TAJU-DEEN pending the hearing and determination of the application for the Order of Certiorari if the leave is granted by the Honourable Supreme Court under the first order prayed for above.

(3) Such further OR other Orders as this Honourable Court may deem fit to make.

(4) That the costs of and occasioned by this application be costs in the cause.

Multiple arguments were advanced in support of the application. Suffice it to say that having heard the arguments of Mr. Terence Terry Counsel for the Applicant and having given due consideration thereto and to the papers filed herein, I am satisfied that the Applicant has a locus standi and has established a prima facie arguable case for an Order of Certiorari to issue.

I will therefore grant the leave sought and the Orders as prayed for in paras. (1), (3) and (4) of the Motion paper.

Order (2) is refused.

As regards Order (3),

I make the following Orders:

(1) That the Respondents be served the relevant papers within four days of this order

(2) That the application for the Order of Certiorari be heard on the 2nd day of January, 2001.

I agree.....

I agree.....

H. Luke
.....
HON. MR. JUSTICE D.E.F. LUKE, C.J.

H.M. Joko-Smart
.....
HON. MR. JUSTICE H.M. JOKO-SMART, JSC.

S.C.E. Farne
.....
HON. MR. JUSTICE S.C.E. FARNE, JSC.