

IN THE COURT OF APPEAL FOR UGANDA

AT KAMPALA

(Coram; Ssekandi, Justice of Appeal)

CRIMINAL APPLICATION NO.4 OF 1978

BETWEEN

AUGUSTINO OKWARE ACHODOTOAPPLICANT

AND

UGANDA..... RESPONDENT

(Application for leave to file a Memorandum
of Appeal out of time in an appeal from a
judgment of the High court at Tororo
(Manyindo J.) dated 31st August, 1977)

in

Criminal Session Case No. 115 of 1977)

RULNG

The applicant seeks an order o this Court under Rule 4 of the Court of Appeal Rules extending the time within which the Memorandum of Appeal should be filed. According to the affidavit sworn by the applicant’s counsel there was a delay of only 23 days from the time the record was served on him; that is the memorandum filed on 8th July, 1978 was 9 days out of time. The delay has been explained as arising from the sickness of the advocate soon after he received the proceedings.

Learned Counsel for the Respondent does not oppose the application on the ground that the advocate for the applicant acted expeditiously to file the Memorandum of Appeal as soon as he recovered from his illness. But he wished to be on record as saying that failure to comply with the Rules as to time can in some cases prejudice the Department of Public Prosecutions as after the stipulated time files are put away.

This application is granted and the Memorandum of Appeal filed shall be treated as having been filed in time. There appear to be good cause for the delay in this case although I feel that it must not be assumed that illness of an advocate invariably constitutes sufficient reason to extend time for filing papers as set out in the Rules. The remedy for situations where advocates say be prevented to render service to their clients is to ensure that they avoid solo practice of law. At any rate, it is in the interest of justice that in this case the applicant should be heard on the merits of the case. It is so ordered.

DATED AT KAMPALA this 10th day of August, 1978.

(F. M. Seekandi)

JUSTICE OF APPEAL.

Mr. A.A.R. Owori of A/c. Owori & Company Advocates for the applicant
Mr. Kabatsi Senior State Attorney, for the Director of Public Prosecutions

I certify that this is a
true copy of the original

(M. Ssendegeya)

CHIEF REGISTRAR.