

*Hon. Justice Tsekoko*

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT JINJA

CRIMINAL APPEAL NO.13 OF 1992

FROM CRIMINAL CASE NO.MJ.922/92(JINJA)

*Notice of appeal out of time*

SELIMU KALADINI .....:APPELLANT

V E R S U S

UGANDA .....:RESPONDENT

BEFORE: HON. MR. JUSTICE C.M. KATO

R U L I N G

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This ruling refers to a preliminary objection raised by Mr. Wamasebu the learned counsel for the respondent. The substance of the objection is that the notice of appeal was filed out of time since the accused/appellant was sentenced on 7/10/92 and the District Registrar certified the notice as having been received on 10/3/93 which was out of time.

I have carefully looked at the record and all the documents available clearly show that the notice of appeal was in fact lodged at the District Registry on 14/10/92 that being the date on which the fees were paid although the notice was in fact received on 13/10/92. Both the receipt of the fees on 14/10/92 and that of the notice of appeal on 13/10/92 were in time. It is true the District Registrar in her certificate shows that the notice was received on 10/3/93 the only explanation that can be given is that the learned District Registrar must have indicated the date on which she signed the receipt of the notice not the date on which it was filed in her Registry, that is quite understandable because the District Registrar is a very busy person and at times documents which should be signed promptly are signed later on. In my opinion a notice of appeal is filed when it is presented to the criminal Registry with the payment of the necessary fees.

In this case the notice was received on 13/10/92 only 6 days after the sentence was passed and the fees were paid on 14/10/92 only 7 days from the day of the passing of the sentence. Both of these acts were performed well within 14 days which is the statutory period required.

The effective date here is 14/10/92 when the fees were paid but not 10/3/93 when the District Registrar administratively acknowledged the filing of the notice of appeal.

The position being what it is the preliminary objection is rejected as the notice of appeal was filed in time.

  
C.M. KATO  
J U D G E

15/3/93

15/3/93 - Later at 10.50 A.M.

Court: - The court is as before.

Ruling is delivered.