

**IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
CRIMINAL APPEAL NO. 148 OF 2007**

ANDREW KALILA1ST APPELLANT
ABRAHAM THOM2ND APPELLANT

AND

THE REPUBLICRESPONDENT

CORAM: HON JUSTICE CHINANGWA, J

Counsel for the applicants, Nyambo
Court Interpreter, Gonaulinji

RULING

This matter was set before Singini J. on 7th March, 2008. On the stated date the judge adjourned it to a later date because counsel Maulidi was absent without leave of the court.

On 9th April, 2008 the matter was set down before Mrs Chombo J. Again counsel Maulidi was absent without leave. The judge struck-off the matter from the cause list for want of prosecution.

The matter came before me on 23rd April, 2008, Counsel Nyambo stood-in for counsel Maulidi who, it

was alleged, was attending a funeral in Blantyre. Counsel Nyambo adopted the affidavit of counsel Maulidi filed on 10th April, 2008 before this court.

In the affidavit counsel Maulidi explained his failure to appear on 7th March and 9th April, 2008 respectively. He proceeded to apply for restoration of the matter and consequent hearing of appeal at the same time.

I am reluctant to grant restoration of the matter on the cause list until counsel Maulidi appears in person to make the application. I base my position in order to discourage lack of seriousness on court business by counsel Maulidi.

Application to restore matter dismissed.

Pronounced in Open Court on this 8th day of May, 2008.

R.R. Chinangwa
JUDGE