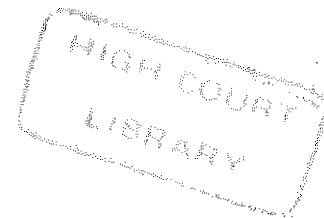


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IN THE HIGH COURT OF MALAWI  
PRINCIPAL REGISTRY  
CRIMINAL DIVISION - sitting at Chichiri  
MISCELLANEOUS CRIMINAL APPLICATION No. 6 of 2022  
(being criminal cause no. 196 of 2022, SRM sitting at Dedza)

*BETWEEN:*

**JANET KENNEDY  
AND  
THE REPUBLIC**

**APPLICANT  
  
RESPONDENT**

ORDER DISMISSING THE NOTICE OF MOTION  
FOR LEAVE TO HAVE AN APPEAL HEARD AT  
THE HIGH COURT PRINCIPAL REGISTRY  
INSTEAD OF THE HIGH COURT LILONGWE DISTRICT REGISTRY

UPON reading the Applicant's notices of motion for leave to appeal out of time and to have an appeal heard at the High Court Principal Registry instead of the High Court Lilongwe District Registry, in respect of the criminal case of *Republic v Janet Kennedy*, criminal cause no. 196 of 2022, that was before the Senior Resident Magistrate Court sitting at Dedza, as well as perusing the skeletal arguments which focus on the motion for leave to appeal out of time that have been filed by the Applicant;

NOTING that the Applicant has filed the notice of leave to appeal out of time under the Court's inherent jurisdiction while no legal authority has been indicated for the motion for leave to have an appeal heard at the High Court Principal Registry instead of the High Court Lilongwe District Registry;

FURTHER NOTING that for efficient case management and exercising supervisory powers it is the practice of the Court that the criminal case files of matters that have been tried in Dedza district are supposed to be remitted to the High Court Lilongwe District Registry for the purposes of conducting proceedings for review, confirmation or appeal, as Dedza district falls within the judicial administrative region of High Court Lilongwe District Registry;

UPON CONSIDERING the sworn statement of Mr. Aofi, that has been filed in support of the motion for leave to have an appeal heard at the High Court Principal Registry instead of the High Court Lilongwe District Registry, in light of the practice of the court, this court finds that the reasons advanced therein have no merit as the presence of the relatives of the Applicant, who are not a party to

the criminal matter are an irrelevant factor for consideration. In any event, the Applicant's assertions are presumptuous, as the High Court has various means of handling appeals, including under the provisions of section 351 of the CP and EC;

THIS COURT finds that the Applicant's motion for leave to have an appeal heard at the High Court Principal Registry instead of the High Court Lilongwe District Registry lacks merit as an appropriate and more convenient forum exists at the High Court Lilongwe District Registry where she can file the notice of motion for leave to appeal out of time appeal, that has automatically fallen away;

ACCORDINGLY, this court finds it unnecessary to assign a date for hearing the motion and in exercise of its discretion summarily dismisses the motion for leave to have an appeal heard at the High Court Principal Registry instead of the High Court Lilongwe District Registry. The notice of motion for leave to appeal out of time can be filed at the High Court Lilongwe District Registry, if the Applicant still desires to appeal.

The irregularity in filing the notice of motion for leave to appeal out of time having been occasioned by Applicant, it is ordered that she must pay filing fees again, if she decides to file the motion at High Court Lilongwe District Registry.

Dated this 7<sup>th</sup> day of March 2022 at Chichiri, Blantyre.



Dorothy nyaKaunda Kamanga  
JUDGE

M/s Chidothe, Chidothe & Company	:	filed the motions for the applicant / absent
The Respondent	:	Absent / not served.
Ms. Ngoma	:	Court Clerk.