

**IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT LUSAKA
(Criminal Jurisdiction)**

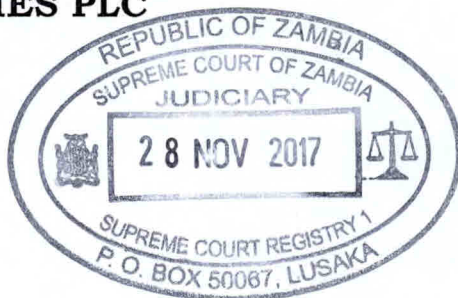
SCZ /9/17/2012

BETWEEN:

ZAMBIA BREWERIES PLC

APPELLANT

AND



THE PEOPLE

RESPONDENT

**CORAM: Mwanamwambwa DCJ, Kajimanga and Kabuka, JJS
On 20th October, 2016, 22nd November, 2016 and
28th November, 2017**

FOR THE APPELLANT: Mr. A. Tembo, Messers Tembo
Ngulube & Associates

FOR THE RESPONDENT: Mrs C. M. Hambayi, Chief State Advocate,
National Prosecution Authority

J U D G M E N T

Kajimanga, JS delivered the judgment of the court.

Cases referred to:

- 1. Stanley Mwambazi v Morester Farms Limited (1977) Z. R. 144**
- 2. D. E. Nkhuwa v Lusaka Tyre Services Limited (1977) Z. R. 59**

3. Nahar Investment Limited v Grindlays Bank International Zambia Limited (1984) Z. R. 81

Legislation referred to:

The Supreme Court Act Chapter 25, rule 12

The appellant brought this notice of motion, to set aside a ruling of a single judge of the Supreme Court which declined to grant leave to the appellant to file its appeal out time.

The events that led to this motion are these. The appellant was convicted by the Subordinate Court for the offence of recklessness and negligence contrary to section 23(f) of the Penal Code Cap 87. Being dissatisfied with the decision of the Subordinate Court, the appellant appealed to the High Court which upheld the Subordinate court's decision. The High Court judgment did not expressly grant leave to appeal to this court. Also being dissatisfied with the judgment of the High Court, the appellant was desirous of appealing against the said judgment to this court.

According to the appellant, it was unable to file a notice of appeal within 14 days as stipulated by law because it was still reviewing and studying the High Court judgment and instructions to appeal were only given to the appellant's advocates after the expiry of the said

