

THE REPUBLIC OF UGANDA

IN THE COURT OF APPEAL OF UGANDA AT KAMPALA

CORAM: HON LADY JUSTICE L.E.M. MUKASA KIKONYOGO,DCJ
HON MR JUSTICE G.M. OKELLO, JA
HON. LADY JUSTICE A.E. N. MPAGI-BAHIGEINE, JA
HON. MR JUSTICE J.P. BERKO, JA
HON. MR JUSTICE S.G. ENGWAU, JA.

CONSTITUTIONAL PETITION APPLICATION NO.5 OF 2002

ATTORNEY GENERAL OF UGANDA APPLICANT

VERSUS

- | | | | |
|-----|--------------------------|--|-------------------|
| 1. | DR. JAMES RWANYARARE | | |
| 2. | HAJI BADRU KENDO WEGULO | | |
| 3. | HON YUSUF NSUBUGA NSAMBU | | |
| 4. | HON KEN LUKYAMUZI | | |
| 5. | JAMES GARUGA MUSINGUZI | | RESPONDENTS |
| 6. | MAJOR RUBARAMIRA RURANGA | | |
| 7. | FRANCIS GUREME | | |
| 8. | KARUHANGA CHAAPA | | |
| 9. | HUSSEIN KYANJO | | |
| 10. | DR. JOHN JEAN BARYA. | | |

RULING OF THE COURT

This application is for leave to appeal to the Supreme Court against the ruling of this court in Miscellaneous Application No.3/2002, dated 5.11.2002, wherein this court made orders with regard to the rule on limitation of the time within which to lodge Constitutional Petitions under Article 137 of the Constitution and also the applicability to the State of the Government Proceedings Act (Cap.69).

The applicant, herein, is aggrieved by our interpretation of those laws and seeks leave of this court to have them finally determined by the Supreme Court.

Without going into the merits and demerits of this application, we think that this is a proper case in which the Supreme Court should finally settle that issue and let it rest.


With regard to the prayer to the stay of proceedings in Constitutional Petition No.7/2002, we think that since one of the grounds on which we ruled was whether or not the Petition was time-barred, we agree with Mr Cheborion Barishaki, Commissioner for Civil Litigation, that if the appeal succeeds, it will dispose of the pending Petition.

Thus in order not to render the appeal nugatory we hereby order stay of proceedings in Constitutional Petition No.7/2002 till final determination of the intended appeal.

We make no order as to costs.

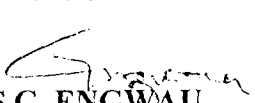
Date at Kampala this 18th day of February, 2003.


L.E.M. MUKASA KIKONYOGO
DEPUTY CHIEF JUSTICE


G.M. OKELLO, JA
JUSTICE OF APPEAL


A.E.N. MPAGI BAHIGEINE
JUSTICE OF APPEAL


J.P. BERKO,
JUSTICE OF APPEAL


S.G. ENGWAU
JUSTICE OF APPEAL.