

IN THE COURT OF APPEAL OF ZAMBIA

APPEAL NO. 301/2022

HOLDEN AT NDOLA

CAZ/08/432/2022

(Civil Jurisdiction)

BETWEEN:

NATIONAL PROSECUTION AUTHORITY

APPELANT

AND

FELIX KAKULA

RESPONDENT

CORAM: KONDOLO SC, MAJULA & BANDA-BOBO JJA

On 15th August and 16th September, 2024

For the Appellant: Ms. S. M. Besa – National Prosecution Authority

*For the Respondent: Mr. C. Chungu – Messrs Nsapato & Company Advocates
(Under LAZ Pro Bono Program)*

EX – TEMPORE RULING


KONDOLO SC, JA delivered the Ruling of the Court


We have considered the arguments advanced by the parties and we note that the Appellant has admitted that the initial application to extend time within which to file the record of appeal was made after the prescribed time had already expired.

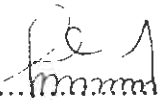
This simply means that the single Judge of this Court had no jurisdiction to hear and determine the application, that in turn means that we equally lack jurisdiction because the Order extending time was a nullity and nothing can be built on a nullity.

Because we lack jurisdiction, there is no need to even consider the issue of the Order not being on the record as it is now rendered irrelevant, as to all intents and purposes, there is really nothing before us.

The appeal is dismissed for that reason.


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M.M KONDOLO
COURT OF APPEAL JUDGE


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B.M. MAJULA
COURT OF APPEAL JUDGE


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A.M. BANDA-BOBO
COURT OF APPEAL JUDGE