

Counsel on both sides filed industrious submissions and we remain indebted. However, we shall not reproduce the same herein.

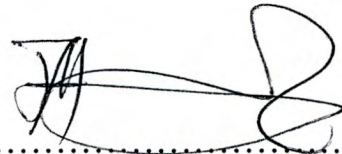
This Motion invited us to interpret the judgment of this Court as sought. We now take our privilege to give our short reaction to the Motion and the same represents our interpretation.

The reference to Circular B3 of 1965 in our judgment dated 14th February, 2014, was a slip of the pen. We still maintain our position that the appellant's baggage allowance should be computed pursuant to Circular No. B9 of 1985 as stated in our judgment dated 9th April, 2008.

In the premises we find that there is merit in this Motion and it is accordingly allowed.



.....
H. Chibomba,
SUPREME COURT JUDGE.



.....
F. M. Lengalenga,
ACTING SUPREME COURT JUDGE



.....
M. E. Wanki,
SUPREME COURT JUDGE

IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT LUSAKA

APPEAL NO. 202 OF 2014

(Criminal Jurisdiction)

B E T W E E N:

EVANS KUNDA

APPELLANT

AND

THE PEOPLE

RESPONDENT

CORAM: **WANKI, MUYOVWE, AND MALILA, JJS**
On 13th January, 2015 and 14th April, 2015

For the Appellant: Mr. K. Muzenga - Chief Legal Aid
Counsel, Legal Aid Board

For the Respondent: Mrs. M.K. Chitundu - Principal State
Advocate, National Prosecution
Authority

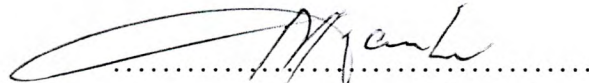
J U D G M E N T

WANKI, JS, delivered the Judgment of the Court.

This appeal first came up for hearing on the 4th November, 2014. Before the date of the first hearing a notice of abandonment was filed by the appellant's Counsel. However, at the hearing the said notice was withdrawn and as the appellant was not ready, the appeal was adjourned to the December, 2014 Ndola Session. When the matter came up for hearing in Ndola, the appellant was not ready. The appellant applied for an adjournment and

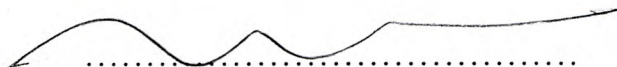
consequently it was adjourned to the January, 2015 Session for the last time. When the appeal came up during the January Session the appellant was not ready as usual. An application for another adjournment at the instance of the appellant was not allowed. Therefore, Counsel for the appellant (Mr. Muzenga - Chief Legal Aid Counsel) undertook to file grounds and heads of arguments by the 30th January, 2015. The respondent was to file its response by 16th February, 2015 and a reply if any from the appellant was to be filed by 23rd February, 2015. The judgment was reserved.

Unfortunately, at the time of writing this judgment the grounds and heads of argument had not reached the Court despite the undertaking by Counsel for the appellant. It is sad that the issues which necessitated this appeal were not brought before us for determination. In the circumstances, we are left with no option but to dismiss the appeal for want of prosecution.



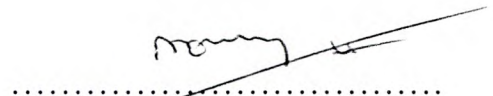
M. E. Wanki,

SUPREME COURT JUDGE



E.N.C. Muyovwe,

SUPREME COURT JUDGE



M. Malila, SC

SUPREME COURT JUDGE