

**THE HIGH COURT
JUDICIAL REVIEW**

2005 No. 691JR

BETWEEN

VERONICA LAMBE

APPLICANT

**AND DISTRICT JUDGE HUGH O'DONNELL AND THE DISTRICT JUDGES OF THE DUBLIN METROPOLITAN DISTRICT AND THE
DIRECTOR OF PUBLIC PROSECUTIONS**

RESPONDENTS

Judgment of Mr. Justice John MacMenamin dated the 13th day of January, 2006

1. In these proceedings, brought by way of judicial review, the applicant essentially seeks a declaration that the six month time limit for the initiation of proceedings set down in s. 10(4) of the Petty Sessions (Ireland) Act, 1851 applies to a complaint in respect of an indictable offence contrary to the provisions of the Criminal Justice (Theft and Fraud Offences) Act, 2001 which is fit to be tried similarly, the conditions precedent for such summary trial of s. 53 of the Act having been complied with, and where said offences are not scheduled offences within the meaning of s. 2 of the Criminal of Justice Act, 1951.

2. The applicant further seeks an order of certiorari by way of judicial review quashing the order of the first named respondent made on 17th May, 2005, whereby the respondent had determined that the District Court proceedings, the subject matter of this application were not statute barred.

3. The applicant also seeks orders of prohibition restraining the second named respondent from further dealing with the district court proceedings and/or restraining the third named respondent from further prosecuting or taking any further steps in the District Court proceedings aforesaid.

4. I have, on the same day as the judgment delivered herein delivered judgment in a case entitled "The High Court Record No. 11669S The Director of Public Prosecutions (at the suit of Garda Ciaran D. Murphy) Prosecutor and Gary Gregg (a minor) Defendant". While those proceedings were by way of consultative case dated it seems to me that the issues arising therein and in the instant judicial review proceedings are the same insofar as relates to the legal principles applicable. For the reasons set out in that judgment therefore I dismiss these judicial review proceedings also.