

preferred shall be twenty-eight days from the date of entering of the judgment, sentence or order.

58. Upon appeal the Court of Appeal may- Power of the Court of Appeal on appeals.

(a) in a criminal case -

- (i) affirm the judgment, conviction, sentence or final order appealed from and dismiss the appeal; or
- (ii) allow the appeal and set aside the judgment, conviction, sentence or final order appealed from and order a retrial or acquit the appellant or make such other order as may be appropriate; or
- (iii) vary the judgment, conviction, sentence or final order appealed from or reduce or enhance the sentence or the nature thereof; where the sentence is enhanced, the sentence shall not exceed the sentence which a Primary Court could impose ; or
- (iv) where the appeal is from an order of acquittal reverse such order and direct a new trial;

(b) in a civil case -

- (i) affirm the judgment, decree or order and dismiss the appeal; or
- (ii) allow the appeal and set aside the judgment, decree or order; or
- (iii) vary the judgment, decree or order; and
- (iv) order costs in an amount which seems to the court to be reasonable.

Procedure on receiving appeal.

55. (1) The Judge of the Primary Court shall certify on the face of the petition of appeal the date on which it was received, cancel the stamp and with the least possible delay cause the petition of appeal and the record of the case to be forwarded to the Court of Appeal.

(2) If the appellant had been committed to prison in pursuance of the judgment, sentence or final order appealed from, he shall forthwith on lodging his appeal be released on bail to appear before the Primary Court on any date notified to him and abide the order in appeal. If such appellant fails to furnish the bail ordered he may be remanded to the custody of a Superintendent of Prisons.

56. (1) The Registrar of the Court of Appeal shall on receipt of the record number and register the appeal and cause sufficient copies of the record and petition of appeal to be prepared. The appeal shall thereafter be entered on the list of appeals and shall come on for hearing on a day of which at least one month's notice shall have been given to the appellant and the other parties.

(2) The parties to the appeal shall be entitled to a copy of the record and the petition of appeal on payment therefor at the rate of twenty-five cents for every folio of one hundred words:

Provided that the Attorney-General shall be issued his copy of the record and petition of appeal free of any charge.

Hearing of the appeal.

57. (1) At the hearing all parties shall be entitled to appear or be represented by their respective attorneys-at-law.

(2) When the appeal comes on for hearing, the appellant if present shall be first heard in support of the appeal and then the respondent, if present, shall be heard against it.

(3) If the appellant does not appear to support his appeal, the Court of Appeal shall consider the appeal and may make such order thereon as it may deem fit.

59. (1) On the termination of the hearing of the appeal the Court of Appeal shall either at once or on some future day which shall then be appointed for the purpose, deliver judgment in open court. Judgment in appeal to be given in open court.

(2) On the day so fixed, if the court is not prepared to give its judgment, a yet further day may be appointed and announced for the purpose.