

IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA – AD 2025

CORAM: ADJEI-FRIMPONG JSC SITTING AS A SINGLE JUDGE

20TH MARCH, 2025

CIVIL MOTION
J8A/08/2025

THE REPUBLIC

VRS

THE HIGH COURT (CRIMINAL DIVISION 2) ACCRA RESPONDENT

EX PARTE

AMINA TAHIRU RESPONDENT/APPLICANT

UMAR MOHAMMED INTERESTED PARTY

RULING

ADJEI-FRIMPONG, JSC:

On May 28, 2024, the High Court (Criminal Division) Accra, in exercise of its appellate jurisdiction gave judgment against the applicant herein concerning a Toyota Vehicle No. GS 1439-21. By its orders, the High Court set aside the decision of the District Court, Achimota concerning the proper party to have custody of the said vehicle.

The dissatisfied applicant desired to invoke the supervisory jurisdiction of this Court in the nature of certiorari to have the orders of the High Court on certain grounds, quashed. For this purpose, she initiated an application which came before an ordinary bench of this Court on 28th January. It turned out that the application was not filed within the time prescribed by the rules of this Court. In the end, the application was withdrawn and accordingly struck out. The instant application is to seek extension of time to bring the application. The affidavit in support of the application recounts the reasons for the instant application.

The rules governing the application are contained in Rules 62 and 66 of the Supreme Court Rules, 1996 (C.I. 16) as amended by the Supreme Court (Amendment) Rules, 1999 (C.I. 24). They are as follows:

“62. An application to invoke the supervisory jurisdiction of the Court shall be filed within 90 days of the date when the grounds for the application first arose unless the time is extended by the Court.”

“66. An application for the extension of time within which to invoke the supervisory jurisdiction of the Court under Rule 62 shall not be made after the expiration of the three months period within which an application seeking to invoke the supervisory jurisdiction may be filed.”

The above provisions lack no clarity in meaning. An applicant who desires to invoke the supervisory jurisdiction of this Court must file his application within 90 days counting from the date when the grounds for the application first arose unless time is extended by the Court. The question is when can an application for extension of time be brought? Rule 66 prescribes that such application shall not be brought after the expiration of 90 days

(three months) within which an application invoking the supervisory jurisdiction may be filed. It means that the application for extension must be filed by the time (and not after) the ninety days had expired. This is where the utility of the rule is challenged. In the normal course of events, an application for extension of time is useful when one is already out of time. Although not an impossibility, rarely would one bring an application for extension of time when he is not out of time. But until the makers of the rules decide to introduce any amendment, that is the position of the law. Pwamang JSC expressed these sentiments in the case of REPUBLIC VRS HIGH COURT, HO EX PARTE AWUKU DOPLEY 2018 GHASC 46 (11 JULY 2018) when sitting as a single Justice of this Court as I am doing here, he said:

“The rule appears not to afford real relief to a party out of time to invoke the supervisory jurisdiction of the court as of right, but it is what it is and until it is amended there is nothing I can do, particularly as I am exercising the single justice jurisdiction of the court under Article 134 of the Constitution.” See also REPUBLIC VRS HIGH COURT, TARKWA EX PARTE ABISHEK ASHWINKUMAR SONEJI [2023] GHASC 96 (14TH JULY 2013).

On the facts as recounted, the orders sought to be quashed were made on May 28, 2024. Certainly, that was when the grounds for the application first arose. An application for extension of time could have been filed within ninety days thereafter. The instant application having been filed on January 30, 2025, some five months after the grounds first arose, was woefully out of time.

I am mindful that previously, an application was filed and brought before an ordinary bench under the impression that it was being brought within time. It was withdrawn and accordingly struck out. I do not think that stopped time from running against the

applicant in bringing the instant application. Consequently, this application fails and is accordingly dismissed.

(SGD.)

R. ADJEI-FRIMPONG
(JUSTICE OF THE SUPREME COURT)

COUNSEL

DOMINIC KWADWO OSEI ESQ. FOR THE RESPONDENT/APPLICANT

BABA JAMAL M. A. ESQ. FOR INTERESTED PARTY/RESPONDENT

**DOMINIC WASINGU BAKOMA ESQ. (PRINCIPAL STATE ATTORNEY) FOR THE
REPUBLIC/RESPONDENT**