

**AIIN THE SUPREME COURT OF TONGA
APPELLATE JURISDICTION
NUKU'ALOFA REGISTRY**

AM 7 of 2020

BETWEEN:

POLICE

Appellant

-and-

SETILI TALISA

Respondent

Application for leave to appeal out of time

RULING

BEFORE: LORD CHIEF JUSTICE WHITTEN
Counsel: Ms H. Aleamotu'a of the AGO for the Appellant
✓ The Respondent in person
Date of directions: 1 May 2020

- A. **HAVING CONSIDERED** the application dated 23 April 2020 for leave to file the notice of appeal out of time, proposed notice of appeal and the affidavits in support by Ms Sela Aleamotu'a and Acting Sgt 'A. Puafisi both sworn on 23 April 2020; and
- B. **HAVING HEARD** from counsel for the Applicant and from the Respondent; and
- C. **BEING SATISFIED** that the applicant has presented a reasonable explanation for the delay in filing the notice of appeal, has demonstrated sufficient prospects of success on the appeal, and that a grant of the application is necessary to do justice between the parties.

IT IS HEREBY ORDERED:

1. The application for leave to file the notice of appeal out of time is granted nunc pro tunc.
2. The operation of the order made by Senior Magistrate Pahulu-Kuli in CR 72 of 2020 on 7 February 2020 is stayed pending hearing and determination of the appeal.

3. In accordance with s.77 of the *Magistrates Court Act*, I direct that the notes of the Senior Magistrate's Clerk taken of the hearing below be transcribed and copies of both the original notes and the transcription of them be provided to each of the parties by 29 May 2020.
4. The appellant is to file any further affidavits and its submissions on appeal by 12 June 2020.
5. The respondent is to file any affidavits and/or submissions in opposition by 26 June 2020.
6. The appeal will be heard on 23 July 2020 at 10am on an estimate of 2 hours.
7. The Appellant is to serve a copy of this Ruling and directions on the Respondent by 29 May 2020.

NUKU'ALOFA
22 May 2020



A handwritten signature in blue ink, appearing to read "M.H. Whitten", is written over the right side of the seal.

M.H. Whitten QC
LORD CHIEF JUSTICE