

IN THE SUPERIOR COURT OF JUDICATURE

IN THE COURT OF APPEAL

ACCRA – GHANA AD – 2023

Coram: - M. Welbourne (Mrs), J.A. (Presiding)

Bernasko-Essah (Mrs.), J.A.

Noble-Nkrumah, J.A.

Suit No. H3/382/2023

Date: 19th April, 2023

THE REPUBLIC

VRS

THE EXECUTIVE OFFICER

FOOD AND DRUGS AUTHORITY

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RESPONDENT

EXPARTE: ERIC DARKO

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APPLICANT

RULING

WELBOURNE, JA

We have read all the processes in the matter and listened to both learned counsel's submissions. We have not been satisfied that the matter is ripe for a Ruling on the contempt application before the trial court.

We note that counsel for the Respondent indicated that the trial court made an order for the parties to file Written Submissions on the issue of the Contempt Application. The Applicant denies that any such order was made and we do not find any evidence of this from the available records before us. We do not find that this application is one seeking to arrest the Ruling on the Contempt Application as the Respondent seeks to urge on us. Indeed there is an appeal pending against the refusal to Cross-examine the Respondent by the trial judge.

We are constrained to grant the application for Stay of Proceedings, in the event that the appeal if successful, will not be rendered nugatory. Also because the application for contempt has not yet been moved at the court below.

The application for stay of proceedings pending appeal is hereby granted

(Sgd)

Margaret Welbourne (Mrs.)

(Justice of Appeal)

(Sgd)

I agree

S. R. Bernasko-Essah (Mrs.)

(Justice of Appeal)

(Sgd)

I Also Agree

Jerome Noble-Nkrumah
(Justice of Appeal)