

PROFESSOR MOYO

Versus

THE STATE

IN THE HIGH COURT OF ZIMBABWE
CHIWESHE J
BULAWAYO 25 FEBRUARY & 20 MAY 2004

S Siziba for applicant
Mrs M Moya-Matshanga for respondent

Judgment

CHIWESHE J: In this bail application the applicant seeks that he be admitted to bail on the following terms and conditions:

- “(a) that he deposits the sum of \$100 000,00 to the Assistant Registrar of the High Court in Bulawayo;
- (b) that he reports twice per week at Bulawayo Central Police Station on Mondays and Thursdays between 6am and 6pm;
- (c) That he resides at number 42 Princess Flat, 9th Ave/Fort St until this case is finalised.”

It is common cause that the applicant appeared before a magistrate on 26 January 2004 for purposes of initial remand. He applied for bail on 27 January 2004. The magistrate refused bail.

Technically therefore the present application must be viewed as an appeal against the refusal by the magistrate to grant bail. The applicant has proceeded as if this was a fresh application before the High Court. The correct position is that an appeal must be lodged with this court. The record of the proceedings in the court *quo* plus the reasons for its decision must be placed before the presiding judge. Only then can the matter be said to be properly before this court.

HB 58/04

It is directed that the applicant proceeds accordingly. Until he does so this matter cannot be heard.

Cheda & Partners applicant's legal practitioners
Attorney-General's Office respondent's legal practitioners