

THE STATE (DAVID COLLINS)

.V.

DISTRICT JUSTICE MARY KOTSONOURIS AND
THE GOVERNOR OF ST. PATRICK'S INSTITUTION

Judgment of Mr. Justice o'Hanlon delivered the 5th day of May,
1986.

A Conditional Order of Certiorari was granted in this case on the 24th February, 1986, for the purpose of quashing an Order made by the first-named Respondent on the 6th January, 1986, purporting to renew for a period of three months, a Warrant of Execution of the District Court dated the 3rd September, 1984, in respect of the conviction and sentence to a term of six months imprisonment of the Prosecutor on a charge on which he had been tried and convicted before the District Court on the 22nd February, 1984.

The grounds relied upon by the Prosecutor in making the said application related to the fact that more than six months elapsed before the original warrant was executed and no application was made within the said six-month period, in accordance with Rule 78 of the District Court Rules, for renewal of the said warrant. Accordingly it was claimed that the Order made on the 6th January, 1986, for its renewal, was invalid.

The arguments advanced in support of the claim that the Conditional Order of Certiorari should be made absolute notwithstanding cause shown were substantially the same as those advanced in the case of Stephen O'Hanlon, which was dealt with

immediately before the present case.

For the reasons given in that case, I consider that the Order of the learned District Justice should be regarded as valid, and I therefore propose to refuse the present application to make absolute the Conditional Order, and I propose instead to discharge same.

R. J. O'Hanlon.

R. J. O'HANLON

5th May, 1986