

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(ARUSHA DISTRICT REGISTRY)

AT ARUSHA

MISC CRIMINAL APPLICATION NO. 56 OF 2018

MOHAMED SAID @ IMAN HAMBALI 1st APPLICANT

YASIN MOHAMED SHABAN 2ND APPLICANT

ANUAR NASHER HAYAEI 3RD APPLICANT

SWALEHE HASSAN OMARY @ CHINGA 4TH APPLICANT

VERSUS

REPUBLIC RESPONDENT

MAIGE, J

RULING

Before me is an application for extension of time to file a notice of appeal and an appeal against the decision of the Resident Magistrate Court of Arusha ("the trial court") in Preliminary Inquiry No. 65 of 2014. In the said decision, which was pronounced on 30.01.2018, the applicants were convicted of an offence of contempt of court and sentenced six months imprisonment each. The decision of the **trial court** was delivered on 30.01.2018. Aggrieved by the decision, the applicants timely instituted a

criminal appeal number 37 of 2018 which was, on 17th July 2018, struck out for the reason of being preceded by a defective notice of appeal. Once again aggrieved, the applicants requested for copies of the judgment and proceedings which were availed to them on 17th July 2018. On 16th August, the applicants filed the instant application.

On the date of hearing, the applicants appeared in persons and were not represented. Miss. Grace, learned state attorney who took the conduct for the Respondent informed the Court that upon going through the Affidavit, she was satisfied herself that sufficient cause for extension of time exists.

On my part, I have taken time to read the affidavit. I entirely agree with the learned state attorney that; sufficient cause for extension of time has been demonstrated. From the date of the pronouncement of judgment to 17th July 2018, the applicants were prevented from filing the instant appeal because they were in *bonafide* prosecution of the criminal appeal number 37 of 2018. In the subsequent period from 17th July to the date of filing the instant application, they were awaiting to be supplied with copy of the ruling. I have considered also the fact that for the reason of being incarcerated, the applicants could not be expected to act in the same way as it is for a free person. The 26 days from 17th July to 8th August 2018 was in the circumstance a reasonable time.

For those reasons therefore, extension of time to file a notice of appeal and an appeal against the decision of the trial court above mentioned is hereby granted. The notice of intention to appeal should be filed within 14 days from today whereas the appeal within 30 days from today.

It is so ordered.

MAIGE.I

JUDGE

24.10.2018

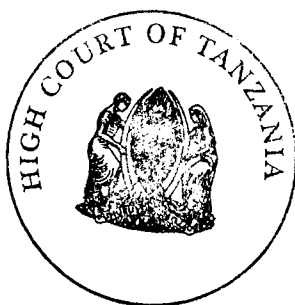
Ruling delivered this 24th day of October 2018 in the presence of the applicants in persons and Miss Grace, learned state attorney.


SGD: MAIGE.I

JUDGE

24.10.2018

I hereby certify this to be a true copy of the Original.




J. F NKWABI
DEPUTY REGISTRAR
ARUSHA 01/11/2018