

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(ARUSHA DISTRICT REGISTRY)

AT ARUSHA

MISC CRIMINAL APPLICATION NO. 60 OF 2018

JAFFAR HASHIM LEMA APPLICANT

VERSUS

REPUBLIC RESPONDENT

MAIGE, J

RULING

This is an application for extension of time to file a notice of appeal and to appeal against the decision of the Resident Magistrate Court of Arusha ("the trial court") in Preliminary Inquiry No. 56 of 2014 dated 30.01.2014. In the said decision, the applicant was found culpable of an offence of contempt of court and sentenced to custodian sentence of six months. Being aggrieved by the decision, the applicant timely instituted a criminal appeal number 34 of 2018 which was, on 17th July 2018, struck out for the reason of being preceded by a defective notice of appeal. The applicant remained displeased with the decision of the trial court. He requested for

copies of a judgment and proceedings. Upon procuring the same, on 16th August 2018, he filed the instant application.

On the date of hearing, Miss. Grace, learned state attorney represented the Respondent. The applicant appeared in person and was unrepresented. Miss. Grace, learned state attorney advised the Court that she was supporting the application since the affidavit in support of the application demonstrates sufficient cause. I subscribe to her. I have casted a glance over the affidavit and I entertain no doubt that the applicant has been successful to establish sufficient cause the delay to pursue his appeal. I accept the proposition in the affidavit that the applicant could not file the an appeal before 17th July 2018 because he was prosecuting the criminal appeal number 34 of 2018. I also take cognizance that due to the restrictions in prison custody, the period between the date of the striking out of the previous appeal and filing of this application is reasonable.

In my opinion therefore, the application has merit. It is accordingly granted. Time within which the file a notice of appeal and an appeal against the decision of the trial court is hereby extended.

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 applicant in person and Miss Grace, learned state attorney.

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