

**IN THE HIGH COURT OF TANZANIA
DAR ES SALAAM DISTRICT REGISTRY
AT DAR ES SALAAM**

CRIMINAL APPLICATION NO. 62 OF 2018
*(From the District of Temeke at Temeke in
Criminal Case No. 250 of 2015)*

OMARY SALUM.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

12/6/2018 & 12/6/2018

RULING

MASAJU, J.:

The applicant who was tried and convicted by the Temeke District Court for the three offences of Godown breaking, Stealing and Malicious Damage to property was not able to process his appeal in time hence this application which has been preferred under section 361 (2) of the CPA, [Cap 20]. In his Affidavit, in support of the Application, the Applicant stated that he had filed a Notice of Intention to appeal within the prescribed time but he was not able to receive a copy of the said Notice which had been endorsed by the court signifying the filing in court of the said Notice. He was then transferred from Keko Prison to Ukonga Prison thereby making the process of preferring appeal more difficult due to many

challenges in prisons. He prayed this court to consider his grounds of application and grant him leave to appeal out of time.

The Respondent has not objected this application and is of the view that the Applicant has a right to be heard considering that in prison there are so many challenges in respect of processing of appeals and other remedies to the inmates.

Having considered the grounds for this application and the reasoning by the counsels of the parties, namely Emmanuel Hyera for the Applicant and Ms. Brenda Massawe (State Attorney) for the Respondent, the court is of the considered position that the reasons advanced by the Applicant in pursuit of the leave to appeal out of time are good reasons in terms of Section 361 (2) of the CPA, [Cap.20] so as to warrant granting the applicant leave to appeal out of time. The Applicant is accordingly granted leave to appeal out of time as he has so applied. The Notice of Intention to appeal to be filed within 10 days from the date of this Ruling


Masaju, J

12/6/2018

Delivered this 12th day of June, in the presence of the parties.


Masaju, J

12/6/2018