

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

MISCELLANEOUS CRIMINAL APPLICATION NO. 63 OF 2018

ORIGINAL CRIMINAL CASE NO. 245 OF 2017

(In the District Court of Kilosa at Kilosa)

**ANTONY s/o ATANAS.....APPLICANT
VERSUS
REPUBLIC.....RESPONDENT**

19/06/2018 & 19/06/2016

RULING

Masaju, J:.

In this application, the Applicant seeks leave for extension of time within which he could file a Notice of Intention to appeal pursuant to Section 361 (2) of the Criminal procedure Act, [Cap.20]. The application has been supported by the Affidavit in which reasons for delay and application are detailed. Of more importance amongst the reasons, is the fact that the Applicant had, in time, preferred appeal by initiating the process of appeal when he signed a notice of intention to appeal when still at Kilosa Prison. Subsequently he was transferred to Ukonga Prison service and it was when he learnt that his Notice of intention to appeal was not filed in court within the prescribe time. The copy of the said Notice is Annexure A" to the Application.

The Respondents have not objected the application. In considering the application of this nature in respect of the persons who are in the prison service serving custodial sentence, the court should always have in mind the fact that the inmates are not so much free with all the would be available opportunities, capacity and means for processing appeals in time in comparison with the persons who would be processing their appeal in liberty.

This court find that the reasons for delay in processing the appeal in time as so advanced in this application are worth of merits and constitute good reasons in terms of section 361(2) of the Criminal Procedure Act, [Cap.20]. The Application is accordingly granted. That the Applicant is given leave for extension of time to file a Notice of Intention to appeal. The intended Notice, if any, to be filed in court within ten (10) days from the date of this Ruling.


Masaju, J

19/6/2018

Delivered on the 19th day of June, 2018 in the presence of the Applicant in person and Ms. Brenda Massawe the learned State Attorney for the Respondent.


Masaju, J

19/6/2018