

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

MISCELLANEOUS CRIMINAL APPLICATION NO. 45 OF 2018

***(Emanated from CRIMINAL APPEAL NO. 11 OF 2017 in Rufiji
District Court at Utete. Originated from Criminal Case No. 30 of
2016 from Unkonga Primary Court***

SHINJE PUNDA ZUMA.....APPLICANT

VERUS

DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

20/06/2018 & 20/06/2018

RULING

Masaju, J.:

The applicant seeks to be given extension of time within which he will be able to file the intended appeal. The reasons for this application and the delay to appeal has been well deponed by the Applicant in the Affidavit accompanying his application. The Respondent does not contest the Application, in the opinion of the court, so rightly.

The Court is of the considered position that the reasons given by the Applicant for the delay and for being given time for filing Appeal out of the

statutory time are meritorious hence worth of being considered by the court positively. In particular, this court is of the considered position that the Applicant was not dilatory in processing his appeal within the prescribed time since he was not aware of the decision that has been preferred by the District Court against him. So, it is important for the Applicant to be afforded with more time for him to contest the District Court's decision, which was made in his absence by way of appeal.

The court accordingly grants the Application for extension of time to file the intended appeal. The intend appeal, if any to be filed within 30 days from the date of this Ruling in line with Section 25 (1) (b) of the Magistrates' Court Act, [Cap. 11].



Masaju, J

20/6/2018

Delivered on the 20th day of June, 2018 in the presence of the learned advocate Mr. Emmanuel Hyera for the Applicant and Ms. Brenda Massawe the learned State Attorney for the Respondent.



Masaju, J

20/6/2018