

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

**CRIMINAL APPEAL NO. 109 OF 2016
(c/f criminal case no 49 of 2015 in the resident Magistrates Court
of Morogoro at Morogoro)**

MATHAYO MAOPE DANIEL..... APPELLANT

VERSUS

THE REPUBLIC.....RESPONDENT

B.K. PHILLIP, J.

RULING

The Court's records, that is, the Judgment and proceedings show that the appellant was convicted of the offence of Armed Robbery c/s 287A of the Penal Code, Cap 16 R.E 2002 as amended by Act No. 3 of 2011 on 26th day of May, 2015. He was sentenced to 30 years imprisonment. The Court's records also shows that, the notice of appeal was lodged at the District Court of Morogoro at Morogoro on 01/07/2015.

I entirely agree with the learned State Attorney's submission, that the notice of appeal was filed out of time contrary to S. 361 (1) (a) of the Criminal Procedures Act, (Cap 20 R.E 2002) which requires notice of appeal to be filed within 10 days from the date of conviction.

This appeal is hereby strike out for the reason that the notice of appeal was filed out of time.

Dated at Dar es Salaam this 11th day of June, 2018



B.K.PHILLIP

JUDGE

11/06/2018