

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

AT DAR ES SALAAM

MISC. CRIMINAL APPLICATION NO. 169 OF 2019

(Arising from Economic Case No. 31 of 2017 of Mahenge District Court)

IDDI BAKARI MFAUME APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONRESPONDENT

Date of Last Order: 06/09/2019

Date of Ruling: 07/10/2019

R U L I N G

MGONYA, J.

Before the Court is the Applicant's Application brought under **section 361 (2)** of the **Criminal Procedure Act, Cap. 20 [R.E. 2002]** read together with **section 4 of Written Laws (Misc. Amendment) Act No. 3 of 2011**; for the Applicant to file Notice of Appeal and Petition to Appeal against the decision of Mahenge District Court.

Having gone through the Applicant's Affidavit and the reasons of his delay in respect of his Appeal process, and further upon going through the contents of the Affidavit by the

Respondent, this court is of the view that the reason availed is of substance hence commands the Applicant's prayer to be granted as prayed.

It is indeed that the Applicant was sick as clearly seen on his face that he was attacked by a wild animal in the forest as well stated by the Applicant before the court. It is for that reason, the **Applicant's Application is accordingly granted.**

In the event therefore, the Applicant is hereby availed with **10 days** to file his **Notice of Appeal and 45 days** in respect of filing his **Memorandum of Appeal** before the court.

It is so ordered.



L. E. MGONYA
JUDGE
07/10/2019

Ruling delivered in chambers in the presence of Mr. Elia Kalonge, State Attorney for the Respondent, the Appellant and Ms. Veronica RMA, this 07th day of October, 2019.



L. E. MGONYA
JUDGE
07/10/2019