

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF KIGOMA
AT KIGOMA
MISC. CRIMINAL APPLICATION NO 23 OF 2020.**

*(Originating from Criminal Case No. 79 of 2020 Kasulu District Council
Before: I.E. Shuli - RM)*

**THE DIRECTOR OF PUBLIC PROSECUTION.....APPLICANT
VERSUS**

**1. LUCAS NDAGULA }
2. JUSTINE LUCAS }RESPONDENTS**

RULING

26th Oct. & 26th Oct. 2020

A. Matuma, J

The respondents were convicted of grievous harm contrary to section 225 of the Penal Code, Cap. 16 [R.E 2019]. After their conviction they were sentenced each to pay a fine of Tshs 50,000/=.

It is this sentence which aggrieved the Applicant hence this application.

The grounds for the delay as per Applicant's affidavit is that; the prosecution was conducted in the District Court of Kasulu and they only came to know of the case and its results after they received a complaint letter from the victims of the offence. Upon reading the complaint letter they called for the Police case file and after their perusal they realized that the sentence was illegal, but by that time the prescribed period for appeal had already elapsed hence this application.

The respondents were served with the chamber summons and dully signed it but they defaulted appearance without any notice.

In the circumstances, I take this application to have not been opposed. I am also satisfied that the reasons stated in the affidavit for the delay as herein reflected establishes good cause of the delay.

I therefore grant this application and grant the applicant fourteen days (14) from today within which an appeal be filed in this Court.

It is so ordered.



A handwritten signature in blue ink, appearing to read "A. Matuma", is written over the printed name.

A. Matuma

Judge

26/10/2020