

**IN THE HIGH COURT OF TANZANIA**

**IN THE DISTRICT REGISTRY**

**AT MWANZA**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 55 OF 2020**

(In the matter of application for leave to file notice of appeal and petition of appeal out of time arising from the judgment of district court of Sengerema in Criminal Case No. 89 of 2019 Hon. N. A. Salehe – RM)

**JUMAPILI S/O MASANJA ..... APPLICANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

**12 & 12/11/2020**

**RUMANYIKA, J.:**

When the application for extension of time (with respect to conviction and fine of 100,000/ or 5 years in jail in default and 5.0 million being compensation of the victim for offences of found in possession of witchcraft instruments and obtaining money by false pretences, within which Jumapili Masanja (the applicant) it was called on today for hearing, Ms. Lilian Meli learned state attorney readily supported it. That the reason that the appellant had been away so much engaged attending the sick mother who died at the time under care and treatment of a traditional healer, the applicant's delay was justified (paras 4 and 5 of the supporting affidavit) refer.

Now that the parties are at one, I would increasingly hold that the applicant had no other tangible means to substantiate the assertions

because I know no traditional healers especially from remote areas who issued admission/discharge forms to their clients or death certificates for that matter. The applicant therefore will get benefits of such doubts. The application is granted. The applicant shall, within 10 working days of this ruling lodge a notice of appeal and 45 days later lodge a memorandum of appeal. It is so ordered.

  
**S. M. RUMANYIKA**

**JUDGE**

**12/11/2020**

The ruling delivered in chambers this 12/11/2020 in the presence of Ms. L. Meli, SA and the applicant.



  
**S. M. RUMANYIKA**

**JUDGE**

**12/11/2020**