

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA**

AT SHINYANGA

MISC. CRIMINAL APPLICATION NO 29 OF 2019

**(Application for Extension of Time arising from the Judgment of the
District Court of Maswa at Maswa in Criminal Case No 13 of 2014)**

ISSA S/O PAULAPPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of last Order: 6/3/2020

Date of Ruling: 6/3/2020

MKWIZU J.

On 18th February, 2014, the applicant, Issa S/o Paul was convicted and sentenced to three years imprisonment for Escape from lawfully custody Contrary to **Section 116 of the penal code Cap 16 R.E. 2002**. It seems the applicant delayed in filling his appeal, he made an application before the High Court for extension of time to file appeal out of time. On 21/8/2017 the high court granted the prayer and applicant was given 30 days within which to file his appeal. He filed, criminal appeal No 30 of 2019 on 24th August, 2017 three days after the order. The Resident magistrate with extended jurisdiction struck out the appeal on the reason that the

notice of appeal was filed at the High Court instead of the subordinate trial court contrary to **section 361 (1) of the CPA.**

Applicant has again come to this court for a similar application for extension of time to file appeal against of the decision of the District court of Meatu at Meatu.

The application was filed under **section 361 (2) of the criminal procedure Act, Cap 20, R. E 2002** by way of a chamber summons supported by an affidavit of the applicant.

At the hearing of the application, the applicant appeared in person with no legal representation while Ms Immaculate Mapunda, learned State Attorney, appeared for the respondent/Republic. Applicant requested the court to grant his application without more. On her part the learned state attorney had no objection to the application.

Given the circumstances above, I grant the application. The Notice of appeal to be filed within 30 days from the date of this order.

It is so ordered.

DATED at SHINYANGA this 06 day of March 2020.


MKWIZU, J

JUDGE

06/3/2020

Court: Ruling delivered in the presence of Issa s/o Paul, Applicant and Ms. Immaculate Mapunda, leaned State Attorney for the Respondent.

