

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

MISC.CRIMINAL APPLICATION NO 7 OF 2019

**(Application for Extension of Time from the Judgment of the District Court
of Meatu at Mwanhuji in Criminal case No 113 of 2014)**

ATHUMANI ABDALLAHAPPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of last Order: 6/3/2020

Date of Ruling: 6/3/2020

MKWIZU J.

The applicant, **ATHUMANI S/O ABDALLAH** was convicted and sentenced to thirty years imprisonment for **Rape C/S 130 (2) (e)** and **131 (2)** of the **penal code on 01/03/2013** is praying 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.

The grounds for seeking extension of time as stipulated on the Chamber summons are two as follows:

- (i) The court may grant leave/extension of time to the named applicant to file Appeal out of time; And*
- (ii) Any other order(s), relief (s) and remedies the court may deem just and equitable to issue in the circumstances.*

The applicant who appeared in person with no legal representation at the hearing of the application did not have much to say. He merely asked the Court to adopt the chamber summons and the supporting affidavit and allow this application

Ms. Immaculate Mapunda appeared for the respondent Republic at the hearing of the application. She did not oppose the application.

Section 361 (1) Subject to subsection (2), no appeal from any finding, sentence or order refer to in section 359 shall be entertained unless the appellant-

- (a) N/A*
- (b) N/A*

(2) The High Court may, for good cause, admit an appeal notwithstanding that the period of limitation prescribed in this section has elapsed. (Emphasis added)

In view of the above provision of the law and in considering that the application was not opposed by the respondent/Republic, I grant the application, the intended Notice of appeal to be filed within thirty (30) days from the date of delivery of this ruling.

It is so ordered.

DATED at SHINYANGA this 6th day of MARCH 2020.


**MKWIZU, J
JUDGE
06/03/2020**

Court: Ruling delivered in the presence of Athuman Abdallah, Applicant and Ms. Immaculate Mapunda, leaned State Attorney for the Respondent.

