

IN THE HIGH COURT OF TANZANIA

AT TABORA

MISC. CRIMINAL APPLICATION NO 03 OF 2020

(Original Economic Case No.08 of 2018 of the Resident Magistrate's Court
of Tabora at Tabora)

AMKA LALA.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

16th March & 20st March, 2020

BONGOLE,J.

This application is made under Section 361(2) of the Criminal Procedure Act, Cap 20 R.E 2002.

The reliefs sought by the Applicant are that;-

- 1. That the honorable Court be pleased to grant an extension of time to lodge both the notices and petitions of appeals.***
- 2. That the honorable Court be pleased to grant any other orders and reliefs that it consider just and convenient to grant.***

The Applicant's application is supported by an affidavit deposed on by Amka Lala. The facts as deposed in the affidavit inter alia materially run;

That, he was convicted by the Resident Magistrate Court of Tabora for the offence of unlawful entry into a game reserve contrary to section 15 and (2) of the wildlife conservation Act, no. 5 of 2009, Unlawful possession of weapon into a game reserve c/s 17 (1) and (2)(iii) of the wildlife conservation Act no. 5 of 2009 and sentenced to pay fine of Tshs 100,000 or two year in jail, On the second count to serve twenty (20) years in jail in Economic case no 08 of 2018.

That, aggrieved by the decision of the trial court as a result he filed the notice of appeal on 16/05/2019.

That, immediately after being convicted and sentenced he requested for copy of judgment orally before the convicting or trial magistrate who also promised him that the copy will be served on after being typed.

That on 12/10/2019 while at Uyui central prison Tabora, he received the copy of judgment from the trial court for the appeal purpose whereby the time was already elapsed, hence, this application.

In this application, the Applicant appeared in person and whereby Mr. Tito Mwakalinga, learned State Attorney appeared for the Respondent.

When the chamber summons and affidavit were served to the Respondent, Mr. Mwakalinga had no objection to the application.

I am also satisfied with the reasons advanced by the applicant that the delay to file his appeal was caused by the failure of the trial Court to supply him with necessary documents to file his appeal on time.

Having said that and since there is no objection on the part of the respondent, I grant the application with orders that the applicant should file a notice of appeal within ten (10) days and Petition of Appeal within thirty (30) days from the date of this order.



S. B. BONGOLE

JUDGE

20/03/2020

Ruling delivered under my hand and seal of the Court in Chambers, this 20/03/2020 in the presence of the Applicant in person and Ms. Jainess Kihwelu learned State Attorney for the Respondent.



S. B. BONGOLE

JUDGE

20/03/2020