

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

MISC. CRIMINAL APPLICATION NO. 3 OF 2020

(Arising from criminal case No. 149 of 2016 of the District Court of Meatu at Meatu)

**GIDAMULIDA MKINI APPLICANT
VERSUS
THE REPUBLIC RESPONDENT**

RULING

29/04/2020

G. J. Mdemu, J.,

This is an application for extension of time to appeal to this court. The Applicant was not present as his presence was dispensed with following COVID19 pandemic.

Mr. Mwenda, learned State Attorney, who represented the Respondent Republic did not object the application. After going through the affidavit, Mr. Mwenda told the court that, on 29/4/2019, this court, Mkeha, J extended the period of filing notice of appeal and the petition of appeal but the Applicant never complied. To him, it as it may, the Applicant now is late and have to have time extended. This, along with the sentence of thirty (30) years imprisonment met to the Applicant, Mr. Mwenda, thought the appeal is inevitable for determination by the court.

I have also gone through the affidavit of the Applicant and share the views of the learned State Attorney that, substantive justice require the appeal

be determined by this court. I have however one concern that, it is pertinent that orders of the court be complied by the Applicant if at all he is interested to pursue his appeal. It is misuse of processes of law for the Applicant to have been granted leave to appeal, defaulted to exercise that right, and yet makes another application as in the instant one.

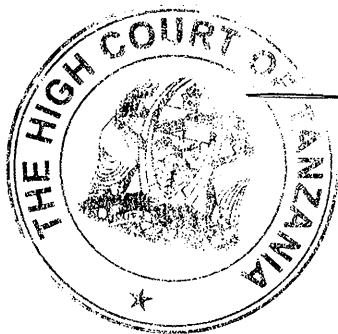
As I am aware that the Applicant is in custody, perhaps that might not stand to blame him. It as it may, relevant authorities having the Applicant in custody should pray their facilitative role.

Accordingly, the application is granted. Time to appeal to this court is extended for a period of forty five (45) days from the date of this ruling. Order accordingly.



Gerson J. Mdemu
JUDGE
29/04/2020

DATED at SHINYANGA this 29th day of April, 2020.



Gerson J. Mdemu
JUDGE
29/04/2020