

**IN THE HIGH COURT OF TANZANIA  
(DODOMA DISTRICT REGISTRY)  
AT DODOMA**

**MISC CRIMINAL APPLICATION NO. 41 OF 2019**

In the matter of an application for

**NOTICE OF APPEAL OUT OF TIME**

**And**

In the matter of Criminal PI No. 14 of 2017  
In the District Court Dodoma District at Dodoma

**YONA LIBANAGA ..... APPLICANT**

**VERSUS**

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

*27/3/2020 & 1/4/2020*

**RULING**

**MASAJU, J.**

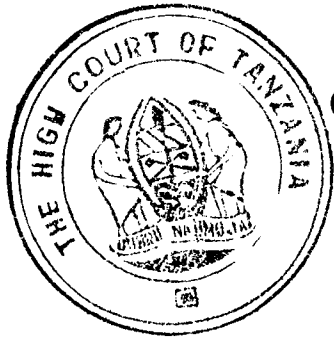
The Applicant, Yona Libanaga, has been indicted before the District Court Dodoma at Dodoma vide Criminal Case No. 14 of 2017 for Attempted Murder contrary to section 211 (a) of the Penal Code, [Cap 16]. He was granted bail, but allegedly on stringent conditions of which he was not able

to meet and he delayed to file an appeal to the Court to challenge said bail conditions. By this Application which is made by way of a Chamber Summons made under section 361 (2) of the Criminal Procedure Act,[Cap 20], the Applicant seeks to be granted leave to appeal against the decision/order by the District Court of Dodoma in relation to his bail. The Application is supported by his own self-explanatory Affidavit giving the background of the Application and the reasons thereof.

The Respondent Republic didn't file counter affidavit. When the Application was heard in the Court on the 27<sup>th</sup> day of March, 2020, the layman Applicant appeared in person. He adopted his Chamber Summons and the Affidavit thereto to form his submission in support of the Application in the Court and prayed the Court to grant the Application accordingly.

The Respondent Republic was represented by Ms. Catherine Gwatu, the learned Senior State Attorney. She did not so rightly contest the Application. Indeed, by virtue of section 161 of the Criminal Procedure Act, [Cap 20] and **Juma Joseph Silimu V. R [1967] TLR 114** all orders issued under sections 148 to 160 by any Magistrate shall be appealable to, and may be reviewed by, the High Court. That being the case, the meritorious Application for filing appeal in the extended time is hereby granted accordingly under section 361 (2) of the CPA, [Cap 20]. The intended appeal, if any, by the Applicant shall be filed in the Court within forty five (45) days of this Ruling.

It is hereby so ruled and ordered by the Court this 1<sup>st</sup> day of April, 2020.



  
GEORGE M. MASAJU

**JUDGE**

1/4/2020