

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

MISC CRIMINAL APPLICATION NO. 53 OF 2019

In the matter of an application for

LEAVE TO FILE APPEAL OUT OF TIME

And

In the matter of Criminal Case No. 117 of 2017

In the District Court Dodoma District at Dodoma

DAUDI CHILONGANI..... APPLICANT

VERSUS

THE REPUBLICRESPONDENT

27/3/2020 & 1/4/2020

RULING

MASAJU, J.

The Applicant, Daudi Chilongani, was charged with, and convicted of Rape contrary to sections 130 (1) (c) (e) and 131 (1) of the Penal Code, [Cap 16] by the District Court of Dodoma. He was sentenced to thirty (30) years of imprisonment along with the order to compensate the victim of

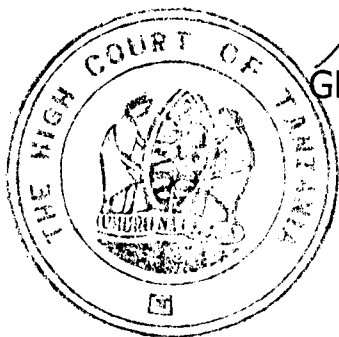
crime TZS 200,000/= . He appealed to the Court in time vide (DC) Criminal Appeal No. 63 of 2010 save that the said Appeal was withdrawn by himself from the Court since he had moved the Court by way of a Memorandum of Appeal, instead of moving the Court by way of a Petition of Appeal as so provided by sections 359 (1) and 362 (1) of the Criminal Procedure Act, [Cap 20]. The Applicant was late in filing the petition of Appeal in time, hence this Chamber Summons Application made under section 361 (2) of the Criminal Procedure Act, [Cap 20] supported by the Affidavit sworn by his learned counsel, Mr. Godfrey Wasonga.

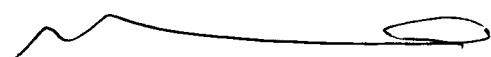
The said Affidavit gives the background of the Application and the reasons thereof. The Respondent Republic did not file Counter Affidavit. When the Application was heard in the Court, on the 27th day of March, 2020 said Respondent under the service of the learned Senior State Attorney, Ms. Lina Magoma, did not contest the Application which was argued by the learned counsel, Samwel Mcharo, holding brief of the Applicant's learned counsel. The learned counsel prayed the Court to grant the Application upon adopting the Affidavit sworn by Mr. Godfrey Wasonga, the Applicant's counsel, to form part of the submissions in support of the Application in the Court.

That said, the meritorious Application for filing appeal in the extended time is hereby granted accordingly under section 361 (2) of the Criminal Procedure Act, [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 1st day of April, 2020.




GEORGE M. MASAJU

JUDGE

1/4/2020