

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

**MISC. CRIMINAL APPLICATION NO. 38 OF 2019**

*(Arising from Bariadi District Court Criminal case No. 31 of 2015)*

**1. MWANDU MASHALA & YAHOLA  
2. LOSHELI SANGALALI @ SAMIKE  
3. HOJA CHARLES @ KISHIWA** } .....**APPLICANTS**

**VERSUS**

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

**RULING**

11/5/ 2020

**G. J. Mdemu, J.;**

The Applicants moved this court to extend time so that they lodge notice of intention to appeal and appeal accordingly. The Applicants were absent as they indicated not to be present during hearing of their application.

The Respondent Republic had the service of Mr. Nestory Mwenda learned, State Attorney. He did not oppose the application. He thought to be in the interest of justice if the Applicants are heard on merits in the intended appeal.

I have heard the learned State Attorney in his submission and had an opportunity to go through the joint affidavit of the three Applicants sworn on 15/10/2019. In essence, and as submitted by the Learned State Attorney, the affidavit has indicated sufficient cause for the granting of this application.

However, the record indicates that on 6/5/2019, this court (Ebrahim, J) granted the Applicants leave to file notice of appeal and appeal out of time in Misc. Criminal Application No. 26/2018. They did not comply with the court's order. Instead, they Lodged this instant application on 25/10/2019.

It as it may, the order was not complied, and as they are still interested to pursue the appeal, they cannot unless, the instant application is granted. In that stance, time to lodge notice of intention to appeal is extended for ten (10) days from 12/5/2020. Time to appeal is also extended for forty five (45) days from the date of this ruling.

Order accordingly.

**Gerson J. Mdemu**  
**JUDGE**  
**11/05/2020**

**DATED at Shinyanga** this 11<sup>th</sup> day of May, 2020.



**Gerson J. Mdemu**  
**JUDGE**  
**11/5/2020**