

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

**MISC. CRIMINAL APPLICATION NO. 43 OF 2019**

*(Arising from Maswa District Court, Criminal case No. 33 of 2006 )*

**MASINGIJA DUTU @ NCHALI .....APPLICANT**

**VERSUS**

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

**RULING**

11/5/ 2020

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

The Applicant moved this court to extend time so that he lodges notice of intention to appeal and appeal accordingly. The Applicant was absent as he indicated not to be present during hearing of his application.

The Respondent Republic had the service of Mr. Mwenda learned, State Attorney. He did not oppose the application. He thought to be in the interest of justice if the Applicant is heard on merits in the intended appeal so that the sentence of thirty (30) years be also determined on the basis of the evidence on record.


I have heard the learned State Attorney in his submission and had an opportunity to go through the affidavit of the Applicant sworn on 25/10/2019. 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 25/3/2019, this court (Kibella, J) granted the Applicant leave to appeal out of time in Misc. Criminal Application

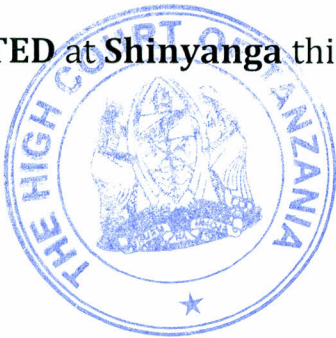
No. 12/2017. He did not comply with the court's order. Instead, He Lodged this application on 1/11/2019.


It as it may, the order of this court was not complied, and as he is still interested to pursue the appeal, he cannot, unless, the instant application is granted. In that stance, time to lodge the 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**