

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

MISCELLANEOUS CRIMINAL APPLICATION NO. 61 OF 2020

(Application for extension of time to lodge a Notice of Appeal in the High Court out of time from the judgment of the District Court fo Nyamagana at Nyamagana in Criminal Case No. 142 of 2015)

ANDREA PAUL NSASHA @ KELVIN 1ST APPLICANT

PETER GRATION @ MSOMI 2ND APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

8th & 8th February, 2021

RUMANYIKA, J.:

Having considered contents of their joint affidavit supporting the appeal, it goes without more words that the applicants would not have been time barred but for their appeal only for on a ground of, in terms of title the defective notice dismissed on 04/11/2020 by Bwegoye RM – Extended Jurisdiction. That fact Ms. Lilian Meli, learned state attorney readily conceded hence the entire application.

I would increasingly hold that quite from the inception of the principles of overriding objectives, mistitling of a notice of application or memorandum

of appeal as the case may no longer rendered the matter defective or incompetent. It is contents of a document which count not title or something immaterial in fact court Registry Officers are duty bound to receive, interpret and lodge documents in the appropriate registries. It is on that basis therefore that I would, as hereby do grant the application. The applicants lodge notices of appeal within 10 (ten) days of this ruling and, if wished, memoranda of appeal 45 days later. It is ordered accordingly.




S. M. RUMANYIKA

JUDGE

08/02/2021