

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(DAR ES SALAAM REGISTRY)  
AT DAR ES SALAAM**

**MISC. CRIM. APPLICATION NO. 206 OF 2020**

(Original Criminal Case No. 4 Of 2017, District Court of Kilombero at Ifakara)

**ERICK S/O NURBERT @ NGOMBE.....1<sup>ST</sup> APPLICANT  
FREDRICK S/O DONISUS@KALOLOMA.....2<sup>ND</sup> APPLICANT  
VERSUS  
THE REPUBLIC.....RESPONDENT**

**RULING**

**17/2/2021**

**MASABO J**

The application is for extension of time within which the applicant can file a notice of appeal. It is made under section 14(1) of the Law of Limitation Act [Cap 89 RE 2019]. According to the affidavit filed in support of the application, the applicants were both found guilty and convicted of stealing by agent c/s 273 of The Penal Code [Cap. 16 RE 2019] and sentenced in absentia to 7 years imprisonment by the District Court of Kilombero at Ifakara.

They resurfaced in April 20120 after the time within which to appeal had lapsed hence this application. The application was not contested by the respondent. Ms. Masinde, the learned State Attorney who appeared today for the Respondent Republic, has informed this court that the Respondent Republic has not filed a counter affidavit as they have no intention to oppose the application.

Section 361 (1) (a) of the Criminal Procedure Act [Cap 20 RE 2019] provides that notice for appeal should be lodged within 10 days from the date of judgement. Pursuant to Section 14 (1) of the Law of Limitation Act [Cap 89 RE 2019], this court has discretion to enlarge the time if the applicant has demonstrated a good cause for delay. The question to be determined is whether there exists a good cause upon which to exercise the discretion to enlarge the time.

Having gone through the affidavit, I am satisfied that the ground advanced by the applicants, to wit, the conviction and sentence were pronounced in absentia, constitutes a good cause warranting the enlargement of time.

I accordingly allow the application and extend the time for filing the notice of appeal. The applicants should file their respective notice within ten (10) days from the date of this ruling.

DATED at DAR ES SALAAM this 17<sup>th</sup> day of February 2021.



A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines.

**J.L. MASABO**  
**JUDGE**