

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

MISC CRIMINAL APPLICATION NO. 56 OF 2020

(Arising from Nansio Primary Court Criminal Case No. 177/2019 before Hon. Mrisho, RM and Criminal Appeal No. 23 of 2019 Ukerewe District Court before V. M. Selemani RM)

HUSSEIN HAMZA APPLICANT

VERSUS

HAPPINESS KITITU RESPONDENT

RULING

02/03/2021 & 31/03/2021

W. R. MASHAURI, J;

This is an application for extension of time to file in this court an appeal out of time.

When this matter was called in court for hearing on 2/3/2021, the applicant contented as well as he does in affidavit that, he did not appeal in time against the decision of Nansio Primary Court in Criminal Case No. 177 of 2019 because soon after delivery of the judgment against his favour he got sick and his sickness lasted for a long time the same of which vitiated him to lodge his appeal in time.

The application was not objected by Miss Mariasyntha Senior State attorney who appeared for the respondent.

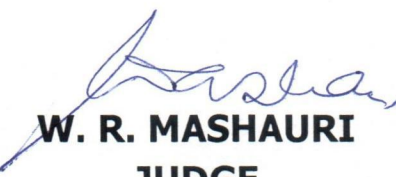
It is common ground at law that, the reason for delay is permissible when the applicant was sick.

This application is granted. The applicant is hereby urged to file his appeal within 21 days from the date of this order.

W. R. MASHAURI
JUDGE
31/03/29021

Court: Ruling delivered in court in absence of the applicant on line but in presence of the Senior State Attorney for the Republic this 31st day of March, 2021.




W. R. MASHAURI
JUDGE
31/03/29021