

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

AT DAR ES SALAAM

MISC. CRIMINAL APPLICATION NO. 174 OF 2020

(Original Criminal Case No. 152 of 2017

(In the District court of Kilombero at Ifakara))

PETER NGOKO.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

10th May & 17th May 2021

E. E. KAKOLAKI, J.

Under section 361(2) of the Criminal Procedure Act, [Cap 20 R.E. 2019] and any other enabling provisions of the law this court has been moved by the applicant for extension of time within which to file a Notice of Appeal and the Appeal out of time against the decision of the District Court of Kilombero at Ifakara in Criminal Case No. 152 of 2017. The Reasons advanced in the applicant's affidavit which have been supported by Ms. Janepher Masue, learned Senior State Attorney for the respondent is that earlier to this application he applied before this Court and granted extension for 10 days to lodge the Notice and 45 day to file the appeal vide Misc. Criminal Application No. 66 If 2020 on 17/4/2020. That the

information could not reach him timely due to his restricted movement caused by Covid 19, thus failure to lodge the Notice and Appeal itself timely. In view of that reason he was compelled to file this fresh application for further extension of time.

Having gone through the said Application by the applicant and considered the advanced reasons for the delay, I find them sound and worthy of consideration by this court. Having received the information of extension of time within which to file the appeal out of time extended, to him and being under custody of prison office had nothing to do than to resort to this present application. I therefore find that good cause has been shown by the applicant to warrant this court to further extend him time as there is no evidence to prove that he acted negligently, thus failed to file the appeal in time.

In the circumstances and further stated reasons, I further extend time for the applicant to file the appeal as prayed. He has to lodge the Notice of Appeal within 21 days and the Memorandum of Appeal within 45 days from the date of this ruling. It is so ordered.




E. E. Kakolaki

JUDGE

17/05/2021

Court: Ruling has been delivered in the presence of the applicant,
Ms. Janepher Masue, Senior State Attorney for the Respondent and
Ms. Asha Livanga, Court Clerk.

E. E. Kakolaki

JUDGE

17/05/2021

Order: The application for extension of time is granted. The
applicant has to file a Notice of Appeal within 14 days for today
and the Memorandum of Appeal within 45 days for today.
It is so ordered.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, is positioned above the judge's name.

E. E. Kakolaki

JUDGE

17/05/2021