

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE DISTRICT REGISTRY OF BUKOBA)
AT BUKOBA

MISC. CRIMINAL APPLICATION NO. 66 OF 2020

(Arising from Biharamulo District Court at Biharamulo in Criminal Case No. 189 of 2018)

JUMA ATHUMAN ----- APPLICANT

Versus

THE REPUBLIC ----- RESPONDENT

RULING

17/06/2021 & 17/06/2021

Mtulya, J.:

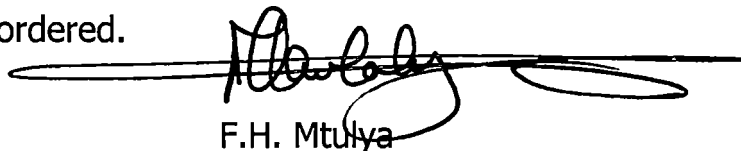
The present Applicant, Mr. Juma Athumani had filed this application seeking of enlargement of time to prefer an appeal in this court. Paragraph 4 of his Affidavit shows that he had previously filed an appeal within time in this court and was transferred to the Resident Magistrates' Court (Extended Jurisdiction). However, the appeal was struck out for want of competence as it was filed without notice of intention to appeal.

Today, through Visual Court, the Applicant who is a layperson, and appeared without any legal representation, briefly stated that his initial appeal was prepared by a prison officer without notice hence was struck out for want of competence. As he was vigilant in

pursuing his right to appeal, he filed the present application to file a fresh appeal as per requirement of the law. Mr. Juma Mahona, who appeared for the Republic did not protest the application stating that the Applicant had produced good reason as per requirement of the law in section 361 (2) of the **Criminal Procedure Act** [Cap. 20 R.E 2019] (the Act) and that he may be granted ten (10) days leave to file notice of intention to appeal (the notice) out of time and forty five (45) days to file an appeal in this court without any further delay under section 361 (c) (b) of the Act.

This is a court of justice and has also detected good reason in the 4th paragraph of the Applicant's Affidavit and would not hesitate to grant the application in favor of the substantive rights. I have therefore formed an opinion to grant the Applicant ten (10) days leave to file the notice in this court and forty five (45) days leave to lodge an appeal as per requirement of the law in section 361 (c) (b) of Act.

It is so ordered.




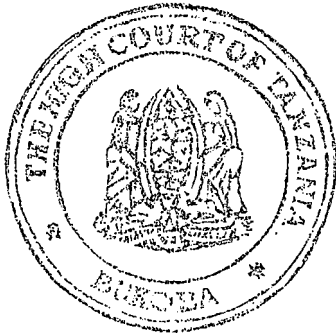
F.H. Mtulya

Judge

17.06.2021



This ruling was delivered in court through Visual Court in the presence of the Applicant, Mr. Juma Athumani and in the presence of learned State Attorney, Mr. Juma Mahona.

A handwritten signature in black ink, appearing to read "F.H. Mtulya", with a long horizontal flourish extending to the right.

F.H. Mtulya

Judge

17.06.2021