

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF BUKOBA)

AT BUKOBA

Misc. CRIMINAL APPLICATION No. 17 OF 2021

*(Arising from Resident Magistrates' Court of Bukoba at Bukoba in Criminal Case
No. 132 of 2019)*

JUVENTUS NICODEM ----- APPLICANT

Versus

THE REPUBLIC ----- RESPONDENT

RULING

16/06/2021 & 16/06/2021

Mtulya, J.:

Mr. Juventus Nicodem (the Applicant) has approached this court seeking extension of time to file an appeal out of time. In paragraph 3 of his affidavit the Applicant states that he had filed **Criminal Appeal No. 31 of 2021** (the appeal) at the **Resident Magistrates' Court of Bukoba at Bukoba (Extended Jurisdiction)** (the court) within time but the appeal was struck out for want of proper notice of intention to appeal.

It is from the struck out order that the Applicant, being vigilant, in following up his appeal, he decided to file the present application seeking an order of this court on enlargement of time to lodge notice of intention to appeal and petition of appeal out of time.

This morning, during the hearing of the application, the Applicant who appeared himself without any legal representation, briefly stated that he had filed an appeal within time, but was struck out for want of competence hence he preferred the present application. The submission was not protest by the learned State Attorney, Mr. Emmanuel Kahigi arguing that the Applicant has registered sufficient cause to warrant enlargement of time to file both notice and appeal in this court out of time.

This court perused the record of this appeal and found out that the Applicant is layperson who is in prison custody and has been following up his appeal to show vigilance in disputing the decision of **District Court of Muleba at Muleba in Criminal Case No. 132 of 2019**. This court thinks that for interest of justice and considering the Applicant is layperson without any legal representation and has been vigilant in following up his appeal, be considered positively for the leave to lodge the notice and petition of appeal out of time.

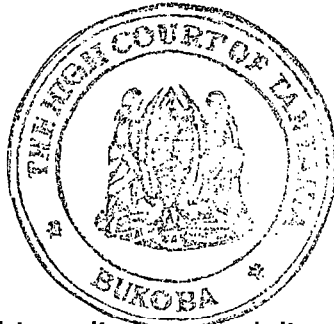
I have therefore formed an opinion to grant the Applicant ten (10) days leave to file notice of intention to appeal out of time and file petition of appeal in accordance to the laws regulating appeals from subordinate courts to this court.

It is so ordered.


F.H. Mtulya

Judge

16.06.2021



This ruling was delivered in chambers under the seal of this court in presence of the Applicant, Mr. Juventus Nicodem and in the presence of learned State Attorney, Mr. Emmanuel Kahigi.


F.H. Mtulya

Judge

16.06.2021

