

IN THE HIGH COURT OF TANZANIA

LABOUR DIVISION

(AT MWANZA)

MISC. CRIMINAL APPLICATION NO. 15 OF 2021

(An application for extension of time to file a Notice of Appeal and Petition of Appeal
Original in the District Court of Ngudu at Kwimba in Criminal Case No. 252 of 2019.)

RICHARD S/O JAMES -----APPLICANT

VERSUS

THE REPUBLIC----- RESPONDENT

REASONS FOR THE DECISION

Upon filing it under S.361 of the Criminal Procedure Act Cap 20 RE 2019, when the dual application for extension of time within which Richard James (the applicant) to lodge a notice of appeal and petition of appeal was today the 03/06/2021 for hearing, Ms. L. Meli learned State Attorney for the respondent Republic readily conceded that according to contents of the applicant's supporting affidavit more so on 17/02/2020 before this court (Tiganga, J.) the applicant's Appeal No. 163 of 2020 having had suffered some serious legal defects and he is now back. For such obvious reasons the applicant had no comments. I granted the application but reserved the reasons. Here are the reasons.

The issue is whether the applicant has assigned sufficient reasons for the delay. It is very unfortunate that although from that end the applicant had lodged an appeal, like any other prisoners, according to paragraphs 4

and 5 of the supporting affidavit the moment the applicant had thumb printed his notice of appeal on 24/04/2020 and therefore submitted it to prison officers for transmission the latter was done. Not only on such behalf the prison officers may have lodged the notice/ appeal out of time, but also the applicant wasn't to blame for any delays caused by the authorities much as also it was settled law that a notice of appeal instituted an appeal. It is for the above narrated reasons that I granted the application. The applicant is at liberty within ten (10) working days of this ruling to lodge a notice of appeal and a memorandum of appeal within the subsequent forty five (45) days.




S. M. RUMANYIKA

JUDGE

03/06/2021