

**IN THE HIGH COURT OF TANZANIA  
IN THE DISTRICT REGISTRY  
AT MWANZA  
MISC. CRIMINAL APPLICATION NO. 10 OF 2021**

*(Original Criminal Case No. 36/2019 of Nyamagana District Court)*

**MRULI SENSO ----- APPLICANT**

**VERSUS**

**THE REPUBLIC ----- RESPONDENT**

**RULING**

09<sup>th</sup> June, 2021

**TIGANGA, J**

The applicant Mruli Senso stood charged before the District Court of Nyamagana in Criminal Case No. 36 of 2019 with an offence of illicit trafficking in Narcotic Drugs contract to section 15A (1) and (2) (c) of the Drugs Control and Enforcement Act No. 5 of 2015 as amended by Act No. 15 of 2017.

During the pendency of his trial, he was admitted to bail and jumped the same. After the conclusion of his trial, he was found guilty and convicted in absentia. He was sentenced to serve a term of thirty years in jail, the sentence which was to start upon apprehension.

The Judgment was pronounced on 18/02/2020, but was arrested on 08/04/2020, and filed the Notice of Appeal on 09/04/2020 with the admission office which sent the said Notice to court on 17/04/2020 when it was received.

Misconceivedly at when the date start to run, he filed the application for extension of time to be allowed to file the Notice of Appeal out of time, which notice he had already filed within time.

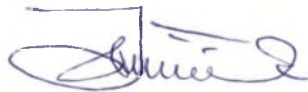
He filed his application under section 361 (1) and (2) of Criminal Procedure Act [Cap 20 R.E 2019], asking for leave to file both the Notice of Appeal and an appeal out of time.

Now having examined the facts as indicated above, the learned Senior State Attorney, for the Republic Ms Rehema Mbuya, submitted that the Republic was not objecting the application. I have examined the record, I find it to be true that, the application was filed as a result of misconception by the applicant, who believed that he was out of time, while he signed and presented the Notice within time, had he not been so misconceived, he would have file the grounds of Appeal in time.

That said, it is in the interest of justice that this application be allowed in respect of the second prayer of filing an appeal, out of time by using the same notice he filed previously. The applicant is hereby given fourteen days to file his appeal to the High Court.

It is so ordered.

DATED at MWANZA, this 09<sup>th</sup> day of June 2019



**J. C. TIGANGA**  
**JUDGE**  
**09/06/2021**

