

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

AT TABORA

MISC. CRIMINAL APPLICATION CASE NO. 13 OF 2021

(Originating from Misc. Kaliua District Court in Criminal Case No. 26/2020)

1. JILALA MASASILA
2. MADOSE MASENGWA
3. NJIKO LUMALA }**APPLICANTS**

VERSUS

THE REPUBLICRESPONDENT

RULING

Date: 09/8/2021 & 13/8/2021

BAHATI, J:

Before this court, the applicant **Jilala s/o Masasila, Madose s/o Masengwa and Njiko s/o Lumala** pray to this court for an extension of time to lodge petition of appeal against the decision of the District Court of Kaliua in Criminal Case No.26 of 2020.

The application has been brought under section 361(2) of the Criminal Procedure Act, Cap. 20 and it is supported by the affidavit of all applicants. The application is supported by the affidavits of both parties.

It is deposed in paragraphs 4 and 5 of the affidavit in support of the application that they were relocated to Uyui Central Prison from Urambo remand prison for want of maximum security, until the time of their relocation, the copy of judgment had not been sent to them until the time prescribed by the law was out. Hence necessitated the applicants for extension of time to this court, which vide Misc. Criminal Application No.13 of 2021.

When the matter was called on for hearing, the applicants were unrepresented while Ms. Jainess Kihwelo, learned State Attorney for the Republic.

The applicants being laypersons prayed to this court to adopt the affidavits to form part of their application.

In reply, the respondent supported the application. The respondent submitted that applicants' affidavits in paragraphs 4 and 5 have clear provided sufficient reasons to grant the application. She prayed to this court to grant the application as prayed.

In rejoinder, the applicants had nothing more to add.

Having carefully heard submissions from both parties, the issue is whether the application has merit.

Section 361(2) of the Criminal Procedure Act, Cap. 20 provides for the extension of time upon sufficient reasons.

The court has gone through para 4, 5 6 of the affidavit and found that the applicants have shown sufficient reasons for the extension of time. As rightly conceded by the State Attorney, the applicants through their affidavits have adduced good cause for their delay.

Therefore, this court is satisfied that the applicants have shown sufficient reasons for extension of time and it is, for this reason hereby granted. The applicants to lodge a petition of appeal within 30 days.

Order accordingly.

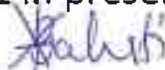


A.A.BAHATI

JUDGE

13/08/2021

Ruling delivered under my hand and seal of the court in the chamber, this 13 day August, 2021 in presence of both parties.



A. A. BAHATI

JUDGE

13/8/2021

