

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

MISC. CRIMINAL APPLICATION NO. 67 OF 2021

(Original, Criminal Case No. 204 of 2019 in the Resident Magistrates' Court of Arusha at Arusha)

MUSTAPHA BAKARI.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

25/08/2021

GWAE, J

The applicant MUSTAPHA BAKARI wishes to invoke the jurisdiction of this Court to extend time under the provisions of section 14 (1) of the Law of Limitation Act Cap 89 R.E 2019. The intended order is meant to enable the applicant to file an appeal against the decision of the Resident Magistrates' Court of Arusha at Arusha, out of time. The application is supported by a sworn affidavit of the applicant's counsel Ms. Upendo J. Msuya.

At the hearing of the application the applicant was represented by the learned counsel **Ms. Upendo Msuya**, while the respondent was represented by **Ms. Lucas**, learned State Attorney who did not object the application.

Reasons for delay are established in the applicant's counsel affidavit where she stated that the delay was occasioned by failure to obtain the copies of the judgment and proceedings on time. Together with the application, the counsel attached the letter requesting for the said copies, judgment and proceedings.

Having heard the parties together with the application it is apparent that the delay was beyond the applicant's control and taking into account that the respondent herein has not objected the application, under the circumstances I find no justification to deny the prayer sought by the applicant. I have also considered that the exclusion clause would apply as per section 19 of the Law of Limitation (supra) as there is evident that certified copies of judgment and proceedings were requested but supplied late.

In the event, this application is allowed. Leave is granted for the applicant to file his appeal within **seven (7)** days from the date of this order.

It is so ordered.



A handwritten signature in blue ink, appearing to read "M. R. Gwae", with a long horizontal line extending to the right.

M. R. GWAE

JUDGE

25/08/2021