

**IN THE HIGH COURT OF TANZANIA  
(DISTRICT REGISTRY OF MTWARA)**

**AT MTWARA**

**CRIMINAL APPEAL NO. 113 OF 2020**

*(Originating from Nachingwea District Court at Nachingwea in Case No.  
24/2020)*

**SHAIBU RASHID ..... APPELLANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

11<sup>th</sup> August, 2021

**DYANSOBERA, J.:**

In the present appeal, the appellant Shaibu Rashid is challenging the decision of the District Court given on 3<sup>rd</sup> of June, 2020. According to the record, this appeal was lodged in this court on 5<sup>th</sup> November, 2020.

This means that the appeal on hand was filed almost five months after date of delivery of judgment and the date of its certification. Mr. Paul Kimweri, the learned Senior State Attorney who is representing the respondent contends that the appeal is out of the prescribed time, and should be dismissed.

The appellant, it seems, does not dispute his appeal being filed outside of the prescribed time but argues that he filed this appeal after he had complained to then Judge in charge who had visited the prison and that being a prisoner could not follow up the appeal on his own.

I think Mr. Paul Kimweri is right. This appeal, as the record shows, was filed outside the prescribed time of forty five (45) days.

As rightly argued by Mr. Kimweri, if anything, the appellant's proper course to take was to apply for extension of time. Since the time limitation touches the jurisdiction of this court to entertain the matter, I feel my hands tied. I agree to the appellant's argument that he is in prison according to law and is appearing in court according to law.

I wish to remind him also that justice the appellant is seeking must be according to law. For the reasons stated, since the appeal is barred by limitation, the court has no any alternative other than following the dictates of the law.

Accordingly this appeal stands dismissed.



**W. P. Dyansobera**

**Judge**

**11/08/2020**

This ruling is delivered under my hand and the seal of this Court this 11<sup>th</sup> day of August, 2021 in the presence of the appellant and Mr. Paul Kimweri, learned Senior State Attorney for the respondent.

Rights of appeal to the Court of Appeal explained.



A handwritten signature in black ink, appearing to read "W.P. Dyansobera".

**W.P. Dyansobera**

**Judge**