

**IN THE HIGH COURT OF TANZANIA
TABORA DISTRICT REGISTRY
AT TABORA**

TABORA REGISTRY

MISC. CRIMINAL APPLICATION NO. 7 OF 2020

(Arising from the District Court of Urambo at Urambo in Criminal
Case No. 92 of 2018)

HAJI SHABAN @ SAID.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

Date of Submission: 13/9/2021

Date of Delivery: 13/9/2021

AMOUR S. KHAMIS, J.:

Haji Shaban Said moved this Court for extension of time within which to lodge a notice of appeal and petition of appeal.

The application was made by Chamber Summons under Section 361 (2) of the Criminal Procedure Act, Cap. 20, R.E. 2002 which was supported by an affidavit deposed by Haji Shaban Said on 19/12/2019.

When the application was set for hearing before me, Ms. Jaines Kihwelo, learned State Attorney appeared for the Republic and the applicant fended for himself.

Ms. Kihwelo readily supported the application and submitted that the applicant had shown sufficient grounds for extension of time.

The applicant adopted contents of the affidavit in support of the application and prayed for the orders sought in the Chamber Summons.

The issue is whether the application disclosed sufficient grounds for extension of time.

The impugned Judgment was delivered on 15/02/2019.

Records show that on 18/02/2019 the applicant issued a notice of appeal and wrote a letter to Court for copies of Judgment and Proceedings.

The applicant deposed that despite of the early request, relevant copies of the judgment and proceedings were supplied to him on 26/10/2019, well beyond the time requisite for lodging an appeal.

From this background, it is evident that the reason for delay was beyond the applicant's control as it was caused by Court officials.

I am therefore satisfied that a good and sufficient reason for extension of time has been shown. The application is thus granted.

Let the applicant file a notice of appeal within ten (10) days and petition of appeal within 21 days from the date of delivery of this ruling.

It is so ordered.



AMOUR S. KHAMIS

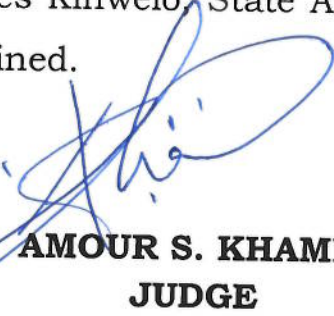
JUDGE

13/09/2021

ORDER:

Ruling delivered in chambers in present of the applicant in person and Ms. Jaines Kihwelo, State Attorney for the Republic. Right of Appeal explained.




AMOUR S. KHAMIS
JUDGE
13/09/2021