

**IN THE HIGH COURT OF TANZANIA**

**TABORA DISTRICT REGISTRY**

**AT TABORA**

**MISC. CRIMINAL APPLICATION NO. 8 OF 2021**

(Arising from Economic Case No.45 of 2018 of the  
Resident Magistrates' Court of Tabora)

**SAID AMAN** .....**APPLICANT**

**VERSUS**

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

.....  
**RULING**  
.....

Date of Submission: 4/10/2021

Date of Delivery: 4/10/2021

**AMOUR S. KHAMIS, J.**

This application for extension of time is premised on Section 361(1) of the Criminal Procedure Act, Cap. 29, R.E. 2019.

The application was made by Chamber Summons and supported by an affidavit of Said Aman, the appellant herein.

Said Aman was charged and convicted with two counts, the first one being in unlawful possession of ammunition contrary to Section 21 (a) and (b) of the Fire Arms and Ammunition Act No. 2 of 2015 read together with Paragraph 31 of the 1<sup>st</sup> Schedule and Section 57 (1) and 60 (2) of the Economic and Organised Crimes Control Act,



Cap. 200, R.E. 2019 as amended by the Written Laws (Misc. Amendments) Act No. 3 of 2016.

The second count was unlawful possession of Government trophy contrary to Section 86 (1) and (2) (c) (iii) of the Wildlife Conservation Act No. 5 of 2009 read together with Paragraph 14 of the 1<sup>st</sup> Schedule to and Section 57 (1) and 60 (2) of the Economic and Organised Crime Control Act, Cap. 200, R.E. 2019 as amended by the Written Laws (Misc. Amendment) Act No. 3 of 2016.

Upon conviction, the Resident Magistrates Court of Tabora sentenced him to three (3) years imprisonment for the first count and twenty (20) years imprisonment for the second count.

Said Aman deposed that immediately after sentence was pronounced, he orally notified the trial magistrate of an intention to appeal and subsequently lodged a notice of appeal.

He disclosed that simultaneous with a notice of appeal, he presented an application for copies of the impugned judgment and proceedings which were supplied to him after the due date for filing an appeal had lapsed.

Before me the applicant appeared in person and adopted contents of the affidavit in support of the application.

Ms. Jaines Kihwelo, learned State Attorney for the Republic did not resist the application. She readily supported contents of the affidavit in support of the Chamber Summons and implored this Court to grant the orders sought.

It is trite law that in an application for extension of time, the applicant must show a reasonable cause for the delay.



In the present case, the applicant demonstrated that he wasted no time in pursuing the right of appeal.

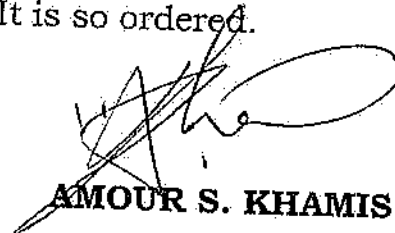
Upon perusal of the application and the trial Courts' records, I noted that immediately after delivery of Judgment and pronouncement of sentence, the applicant registered his notice of intention to appeal.

It is also on record that the applicant timely applied for copies of the Judgment and Proceedings which unfortunately, were not supplied to him in time.

In view of these steps, I am convinced that the applicant did not idly seat on his right of appeal but rather employed necessary efforts to meet the ends of justice.

Consequently, and for the aforestated reasons, the applicant disclosed a sufficient cause for extension of time and the application is thus granted.

Let the applicant file a fresh notice of appeal within ten (10) days and a petition of appeal within thirty (30) days from the date of delivery of this ruling. It is so ordered.



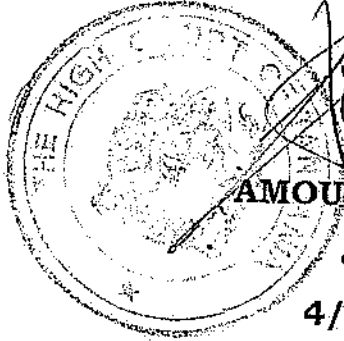
**AMOUR S. KHAMIS**

**JUDGE**

**4/10/2021**

**ORDER:**

Ruling delivered in Chambers in presence of the applicant in person (under custody) and Ms. Jaines Kihwelo, learned State Attorney for the Republic. Right of Appeal explained.



**AMOUR S. KHAMIS**

**JUDGE**

**4/10/2021**