

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

MISCELLANEOUS CRIMINAL APPLICATION NO. 217 OF 2021

(Originating from Ext. Criminal Appeal No. 43/2020 of the RM's Court of
Dar es Salaam at Kisutu)

SELEMAN ISSA WAMBURA **APPLICANT**

VERSUS

REPUBLIC **RESPONDENT**

RULING

1st November, 2021.

E. E. KAKOLAKI J

This is an application for Extension of time within which to lodge a Notice of Appeal to the Court of Appeal out of time against the decision in Extended Jurisdiction Criminal Appeal No. 43 of 2020 dated 24/12/2021 before Hon. NGIMILANGA (SRM) a Magistrate with Extended Jurisdiction. It has been preferred under S.11(1) of the Appellate Jurisdiction Act, [Cap. 141 R.E. 2019] and supported by the affidavit of the applicant. The application is uncontested as when it came for hearing Mr. ADOLF KISIMA, learned State Attorney intimated so to the court.

The reason advanced by the applicant for his delay to file the notice is that his matter (Appeal) proceeded before the Honourable Magistrate (SRM)

with Extended Jurisdiction who disposed it off on 24/12/2020 by dismissing his appeal but reducing the sentence meted on him. Aggrieved with the decision he applied for copies of judgment so that he could ascertain the name of the Magistrate who decided his appeal but todate he has never been availed with any copy. He therefore failed to issue a Notice of Appeal to the Court of Appeal timely due to uncertainty of the name of the Hon. Magistrate with Extended Jurisdiction who adjudicated over his appeal. The applicant informed the court that, he came to be issued with the order that reduced his sentence on 16/02/2021, which was indicating the name of the said Magistrate but unfortunately, he was out of time within which to issue a Notice of Appeal in time. It is from this reason he decided to file this application for extension of time.

Having considered the reasons advanced by the applicant which I find to contain good cause warranting this court to exercise its discretionary power to grant him extension of time and the fact that the application is uncontested, I find the application to be meritorious. The same is therefore granted. Time is therefore extended to the applicant for thirty (30) days within which to file a Notice of Appeal to the Court of Appeal from the date of this ruling.

It is so ordered.




E. E. Kakolaki

JUDGE

01/11/2021