

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**AT DODOMA**

**DC CRIMINAL APPEAL NO. 88 OF 2021**

*(Original from Criminal Case No. 25 of 2019 Dodoma at Dodoma)*

**YOHANA CHARLES ..... APPELLANT**

**VERSUS**

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

**RULING**

*07/112/2021 & 7/12/2021*


**KAGOMBA, J**

Having heard the submissions by both parties regarding the question of law raised by Mr. Lyabonga, State Attorney for the respondent that the appeal has been filed out of time; and having heard the appellant who has told this court that he was advised by lawyer in prison that the appeal is filed within time, and having counted days from the date the copies of Proceedings and Judgment were certified and thus ready for collection it is my finding that this appeal has been filed outside the time of 45 days prescribe under section 36 (1) (b) of Criminal Procedure Act [Cap 20 R. E 2019].

The last date for filing the appeal was 2/7/2021 as correctly submitted by Mr. Lyabonga, while the appeal has been filed on 16/7/2021, being fourteen (14) days beyond the time period set by the law.

Under section 3 (1) of the Law of Limitation Act [Cap 89 RE 2019], a matter brought to court outside the period prescribed by the law has to be dismissed. I thereof dismiss the appeal accordingly.



  
ABDI S. KAGOMBA  
**JUDGE**  
**7/12/2021**