

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY**

IN THE HIGH COURT OF TANZANIA

MISC. CRIMINAL APPLICATION NO. 22 OF 2022

*(Originating from the Resident Magistrate's Court of Mbeya at
Mbeya, Criminal Case No. 205/2018)*

YOHANA ROBERT NUNDA APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date of ruling: 16/05/2022

NGUNYALE, J.

The applicant filed his application under section 361(2) of CPA CAP 20 R.E 2019 Seeking the following orders;

- (i) The court be pleased to extend time within which the applicant to lodge his appeal out of time.
- (ii) Any other order the court will deem fit and just to grant.

The application was supported by the affidavit dully sworn by the applicant. In the affidavit he deponed that as a prison he depends from prison authorities for all administrative correspondence hence the delayment was beyond his control. And during hearing he said that he was transferred to other prison hence it was difficult to facilitate appeal procedures.

Ms. Rhoda Ngole Senior State attorney for the respondent submitted that the applicant has good cause, he should be availed a right to appeal.

I have read through the applicant affidavit and the submissions of both parties which support the application before the court. The court has been satisfied that the applicant has demonstrated sufficient cause for the grant of the application.

The applicant is given 14 days from today to file Notice of appeal and subsequently 45 days from today to file the intended Appeal for it to be determined on merit.

Order accordingly.



A handwritten signature in blue ink, appearing to read "D.P. Ngunyale".

D.P. Ngunyale
Judge
16/05/2022

Ruling delivered this 16th May, 2022 in presence of the applicant in person and Ms. Rhoda Ngole SSA for the respondent.

A handwritten signature in blue ink, appearing to read "D.P. Ngunyale".

D.P. Ngunyale
Judge
16/05/2022