

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

MISC. CRIMINAL APPLICATION NO. 36 OF 2022

*(Originating from the District Court of Momba at Chapwa,
Criminal Case No. 228/2019)*

FRANK HENRY MWANKINA APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date of Ruling: 09/06/2022

NGUNYALE, J.

FRANK HENRY MWANKINA is before the court under section 361(2) of Criminal Procedure Act praying for the following orders;

One, the court be pleased to extend time for him to lodge notice of appeal and appeal out of time.

Two, any other order(s) the court may deem fit and justice to grant.

His application has been filed at the instance of the affidavit dully sworn by himself. He deponed in the affidavit that he was convicted with the offence of Armed Robbery c/s 287A of the Penal code Cap 16 R.E and still appeal is

not only statutory but a constitutions rights. He asked the court to extend time within which to lodge notice of appeal and petition of appeal out of time.

During hearing he submitted that he could not appeal on time because he delayed to get copy of judgment and he was transferred from Ilembu Prison Songwe to Luanda Central Prison. The transfer affected his duty to facilitate appeal process.

The respondent through the service of Hannarose Kasambara learned State attorney in the outset supported the prayers of the applicant that he deserve his application granted.

The court after considering the content of the affidavit and the fact that there is no objection to the application, it is convinced that the applicant has demonstrated good cause to attract the court to grant the application.

The application is hereby granted, the applicant is given 14 days from today to file notice of appeal and subsequently other 45 days from today to file the intended appeal if he still wishes.

Dated at Mbeya this 9th June 2022.




D.P. Ngunyale
Judge
09/06/2022