

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

MUSOMA SUB REGISTRY

AT MUSOMA

MSC. CRIMINAL APPLICATION NO 17 OF 2022

(Originating from economic case no 113 of 2019 in the District

Court of Serengeti at Mugumu)

KISUTI S/O MANZI @ KAZANGA1st APPLICANT

NCHAMA S/O NCHAMA @ KIMORE2ND APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

31st & 31st May, 2022

F. H. MAHIMBALI, J.:

This ruling is in respect of the application filed by the applicants for extension of time to file appeal out of time. The application is supported with the joint affidavit of the applicants. The application is filed under section 361 (2) of the CPA.

During the hearing of the application, the applicants fended for themselves whereas for the respondent, appeared Mr. Malekela, learned

state attorney. The respondent did not counter the application. He submitted that the for the interest of justice, the application be allowed.

In consideration of the fact that the applicants are inmates and that they filed their intention of appeal timely and that their documents for appeal procession got lost while in prison, I consider the application as being merited. The applicants being inmates have no full control of appeal processes save through prison officials. As the fact of the said documents intended for the appeal processes getting lost is undisputed, the application is merited.

On the discretionally powers vested to this court, the application is hereby allowed. The applicants are to file their intended appeal within 45 days from today pursuant to section 361 (1) b of the CPA.

It is so ordered.



F. H. Mahimbali

Judge

31/05/2022