

**THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(IN THE DISTRICT REGISTRY OF BUKOBA)
AT BUKOBA**

MISC. CRIMINAL APPLICATION NO. 12 OF 2021

(Arising from the District Court of Muleba at Muleba in Criminal Case No. 137 of 2020)

RWEYEMAMU ZAKARIA----- APPLICANT

VERSUS

THE REPUBLIC-----RESPONDENT

RULING

Date of Ruling: 01/03/2022

Mwenda, J.

This is an application for extension of time to file notice of intention to appeal and appeal out of time. It is brought by chamber summons supported by the applicant's sworn affidavit.

During the hearing of this application the applicant appeared in person through video conference while the respondent (Republic) was represented by the learned Senior State Attorney Mr. Mwasimba.

When invited to argue in support of his application the applicant submitted that he has nothing to add rather praying for the court to consider the content of his affidavit while making its decision.

The respondent republic did not oppose this application. Mr. Mwasimba, senior state attorney submitted that, the applicant advanced good reason for the delay

and therefore he deserves to be granted extension of time to file notice of appeal and appeal out of time.

Having heard the submission by both parties the issue for determination is whether the applicant has advanced good reasons for the delay.

In his affidavit the applicant stated that his notice of intention to appeal and memorandum of appeal were prepared and forwarded to the prison authority for filing before High Court Registry. He however came to be informed that, the said documents were not filed before the court in time.

This court went through the applicant's affidavit and noted that it is certified by the officer in charge of Bukoba prison. The said certification reads as follows and I quote:-

"Hereby certify that the application is drawn and signed by applicant(convict) who is in Bukoba prison. Certified at Bukoba on this 12th day of February 2021." (sic)

Signed


O I/C Bukoba Prison

Since this affidavit is certified by the officer in charge of Bukoba Prison, this court therefore is of the view that what is stated in it is the truth and the delay was out of the applicant's control. That being the case, this court finds merits in the applicant's application and the prayers craved are hereby granted.

The applicant is thus ordered to file notice of intention to appeal and memorandum of appeal within 21 days from the date of this ruling.


It is do ordered.




A.Y. Mwenda
Judge
01.03.2022

This ruling is delivered in chamber under the seal of this court in the presence of the applicant Mr. Rweyemamu Zakaria and in the presence of the learned state attorney Mr. Mwasimba senior state attorney for the republic.




A.Y. Mwenda
Judge
01.03.2022

