

**THE UNITED REPUBLIC OF TANZANIA  
JUDICIARY**

**IN THE HIGH COURT OF TANZANIA  
(IRINGA DISTRICT REGISTRY)**

**AT IRINGA**

**MISC. CRIMINAL APPLICATION NO 44 OF 2021**

*(Originating from Ludewa District Court)*

*(Criminal Case No. 68 of 2020)*

**JONATHAN MGIMBA ----- APPELLANT**

**VERSUS**

**THE REPUBLIC ----- RESPONDENT**

**RULING**

**MATOGOLO, J.**

The Applicant Jonathan Mгимба has filed to this court an application for extension of time in order to lodge notice of intention to appeal and to lodge appeal out of time. The application was made under S. 361(2) of the Criminal Procedure Act. The reason for delay as advanced by the Applicant in the supporting affidavit as well as in his oral submission is that, immediately after been convicted he shows intention to appeal to the prison authority. But they did not prepare the notice and appeal documents in time.

That the delay was beyond his powers that is why he now prays to this court to grant him extension of time to lodge notice of appeal as well

as appeal out of time. Ms. Hope Charles Massambu learned State Attorney who appeared for the Respondent Republic did not object the application.

The reason given by the Applicant for his failure to lodge notice of appeal in time is reasonable one and it was out of his control. Given that circumstance, I grant the application. The applicant has to lodge Notice of Appeal within ten (10) days from today. The applicant has also to lodge his appeal within thirty (30) days from today.

Ordered accordingly.



*F. N. Matogolo*  
**F. N. MATOGOLO**  
**JUDGE**  
**16/02/2022**