

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**DISTRICT REGISTRY**

**AT TABORA**

**MISC. CRIMINAL APPLICATION NO. 8 OF 2022**

*(Originating from Tabora Resident Magistrate Court Criminal*

*Case No. 169/2017)*

**DENIS S/O SIMON @ LUSHEKANYA.....APPLICANT**

**VERSUS**

**THE REPUBLIC .....RESPONDENT**

**RULING**

Date: 11/07/2022&15/7/2022

**BAHATI SALEMA, J.:**

Before this court, the applicant **DENIS S/O SIMON @ LUSHEKANYA** prays to this court for an extension of time to lodge both notice and petition of appeal against the decision of the Resident Magistrate Court of Tabora in Criminal Case No.8 of 2020.

The application has been brought under section 361(2) of the Criminal Procedure Act, Cap. 20 and it is supported by an affidavit.

It is deposed in paragraphs 5, 6, and 7 of the affidavit in support of the application that he gave notice of appeal to the trial court as required by law on That, on 13/11/2021, he received A2 from this court for him to attach the same with his appeal ready to online registration which by then he was operating well outside of the limits set by A2 as set out in

paragraph 5 of this affidavit, hence, couldn't register the same because of time constraints bearing that his appeal could not be admitted, in consequence of which this application is lodged.

Hence necessitated the applicant for an extension of time to this court, which vide Misc. Criminal Application No.8 of 2022.

When the matter was called on for hearing, the applicant was self-represented while Mr. John Mkonyi, learned State Attorney for the Republic.

The applicant being layperson prayed to this court to adopt the affidavits to form part of his application.

In reply, the respondent supported the application. The respondent submitted that the applicant affidavit in paragraph 7 has provided sufficient reasons to grant the application. He prayed to this court to grant the application as prayed.

In rejoinder, the applicant had nothing more to add.

Having carefully heard submissions from both parties, the issue is whether the application has merit.

Section 361(2) of the Criminal Procedure Act, Cap. 20 provides for the extension of time upon sufficient reasons.

The court has gone through paragraphs 5, 6, and 7 of the affidavit and found that the applicant has shown sufficient reasons for the

extension of time. As rightly conceded by the State Attorney, the applicant through his affidavit has adduced sufficient cause for his delay.

Therefore, this court is satisfied that the applicant has shown sufficient reasons for extension of time and it is hereby granted. The application to file a notice of appeal within 10 days. The applicant is to lodge a petition of appeal within 30 days.

Order accordingly.



**A. BAHATI SALEMA**

**JUDGE**

**15/07/2022**

Ruling delivered in chamber on this 15<sup>th</sup> July, 2022 in the presence of the applicant. Via virtual court link.



**A. BAHATI SALEMA**

**JUDGE**

**15/07/2022**

Right of Appeal fully explained.



**A. BAHATI SALEMA**

**JUDGE**

**15/07/2022**

