

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

**DISTRICT REGISTRY**

**AT TABORA**

**MISC. CRIMINAL APPLICATION NO. 7 OF 2022**

*(Original from NZEGA District Court Economic Case No. 2 of 2021)*

**KABULA D/O MASANJA.....APPLICANT**

**VERSUS**

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

**RULING**

*Date: 1/8/2022 & 5/8/2022*

**BAHATI SALEMA, J.:**

Before this court, the applicant **KABULA D/O MASANJA** prays to this court for an extension of time to lodge a petition of appeal against the decision of the District Court of Igunga at Nzega Tabora.

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 4, 5 and 6 of the affidavit in support of the application that she gave notice of appeal immediately to the trial court as required by law.

On 28<sup>th</sup> February, 2022 she was supplied with a copy of court proceedings. A copy of the said court proceeding is attached to the affidavit that forms part of this affidavit.

Hence necessitated the applicant for an extension of time to this court, which vide Misc. Criminal Application No.7 of 2022.

When the matter was called on for hearing, the applicant was unrepresented while Mr. Rwegira Deusdedit learned State Attorney for the Republic.

The respondent supported the application since there were sufficient grounds for extension with respect to the 4, 5 and 6 paragraphs of the sworn affidavit.

The applicant being layperson prayed to this court to adopt the affidavit to form part of her submission. She prayed to this court to grant the application as prayed.

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 empowers the court to grant extension of time upon sufficient reasons.

The court has traversed through paragraphs 4, 5 6 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 her affidavit has adduced sufficient cause for her delay.

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

Order accordingly.



**A. BAHATI SALEMA**

**JUDGE**

**05/08/2022**

Ruling delivered in chamber on this 05<sup>th</sup> August, 2022 in the presence of the applicant via virtual court link.



**A. BAHATI SALEMA**

**JUDGE**

**05/08/2022**

Right of Appeal fully explained.



**A. BAHATI SALEMA**

**JUDGE**

**05/08/2022**

