

IN THE UNITED REPUBLIC OF TANZANIA

TABORA DISTRICT REGISTRY

AT TABORA

MISC. CRIMINAL APPLICATION CASE No. 15 OF 2021

(Originating from Igunga District Court Criminal Case No.190/2020)

MACHIYA S/O SHIJA APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date of Last Order: 22/08/2022

Date of Delivery: 22/08/2022

AMOUR S. KHAMIS, J.:

Section 361 (2) of the CRIMINAL PROCEDURE ACT, CAP 20,R.E. 2022 empowers this Court to extend time for lodging an appeal notwithstanding that the time prescribed for an appeal has elapsed.

Machiya Shija is aggrieved by the judgment and sentence of the District Court of Igunga which sentenced him to thirty (30) years in jail.

The impugned decision was delivered on 16/11/2020 in Criminal Case No. 190 of 2020.

Ms. Alice Thomas, learned State Attorney for the Republic, supported the application.

The applicant adopted contents of the affidavit in support of the chamber summons deponed by himself and urged this Court to grant the prayer sought.

The issue is whether the application discloses sufficient cause (3) for extension of time.

Records show that immediately upon conviction, the applicant gave a notice of appeal to the High Court through the Officer in Charge, Igunga Prison, in accordance of law.

Owing to length of his custodial sentence, the applicant was relocated from Igunga Prison to Uyui Central Prison in Tabora Municipality.

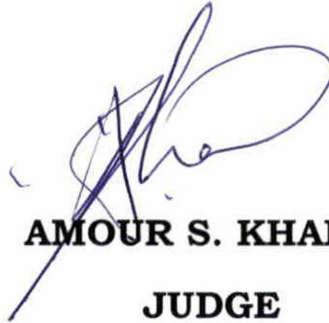
While at Uyui Central Prison, the applicant received copies of the trial court's proceedings and judgement and prepared a petition of appeal which was handled to the admission office at the Prison for onward transmission to the High Court.

However, upon presentation of the appeal documents, the notice of appeal earlier on lodged through the Officer in Charge of Igunga Prison was not traceable, hence the present application.

In the circumstances, I agree with Ms. Alice Thomas that a sufficient cause for extension of time has been shown. The application is thus allowed.

Let the applicant file a notice of appeal within ten (10) days and a petition of appeal within forty five (45) days from the date of delivery of this ruling.

It is so ordered.



AMOUR S. KHAMIS

JUDGE

22/08/2022

ORDER

Ruling delivered in chambers in presence of Ms. Alice Thomas, State Attorney for the Republic and the applicant in person.

Right of Appeal Explained.



AMOUR S. KHAMIS

JUDGE

22/08/2022