

IN THE HIGH COURT OF TANZANIA

TABORA DISTRICT REGISTRY

AT TABORA

MISC. CRIMINAL APPLICATION CASE NO. 40 OF 2021

[Originating from Nzega District Court in Criminal Case No. 21 of 2021]

SHIJA S/O KATUMBILI.....APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date of Last Order: 22/08/2022

Date of Delivery: 22/08/2022

AMOUR S. KHAMIS, J:

Shija Katumbili was arraigned in the District Court of Nzega for an economic offence.

Upon conviction in Economic Crime Case No. 02 of 2021, he was sentenced to serve twenty (20) years in jail.

Aggrieved by the conviction and sentence dated 15/04/2021, Shija Katumbili is determined to knock the doors of this Court by way of appeal.

He lodged the present application for extension of time to institute an appeal.

The application was made by way of Chamber Summons under Section 361 (2) of the CRIMINAL PROCEDURE ACT, CAP 20, R.E. 2019.

The affidavit sworn by Shija Katumbili himself supported the application.

At the time of hearing, Ms. Alice Thomas, learned State Attorney, appeared for the Republic. The applicant fended for himself.

Ms. Alice Thomas made a brief submission in support of the application while the applicant adopted the affidavit in support of the chamber summons.

The issue is whether the application disclosed a sufficient cause for extension of time.

Section 361 (2) of the CRIMINAL PROCEDURE ACT, CAP 20, R.E. 2022 provides that the High Court may extend time for lodging an appeal notwithstanding that the time prescribed in the law has elapsed.

Records show that on 21 April 2021 the applicant gave a notice of appeal that was presented to the District Court of Nzega.

Owing to lengthy of his custodial sentence, he was relocated from Nzega Prison to Uyui Central Prison in Tabora Municipality.

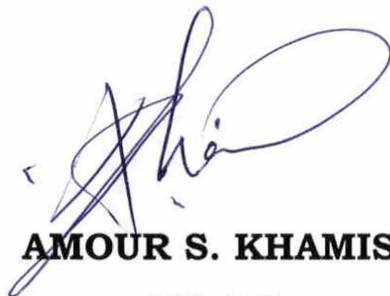
Despite of the applicant's several attempts, the trial Court failed to supply him with copies of judgement and proceedings for the purpose of appeal hence this application.

Upon review of the entire application before me, I am in total agreement with Ms. Alice Thomas, learned State Attorney for the Republic, that a good cause for extension of time was shown.

Consequently, and for the aforesated reasons, the application is granted.

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

It is so ordered.



AMOUR S. KHAMIS

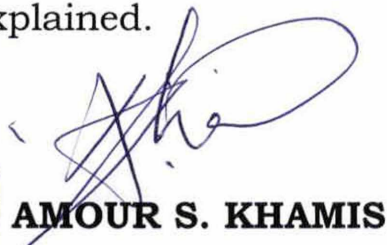
JUDGE

22/08/2022

ORDER

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

Right of Appeal Explained.



AMOUR S. KHAMIS

JUDGE

22/08/2022