

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

[ARUSHA DISTRICT REGISTRY]

AT ARUSHA

MISC. CRIMINAL APPLICATION NO. 39 OF 2022

(C/F District Court of Arusha in Criminal Case No. 02 of 2020)

GERALD S/O EFATHA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

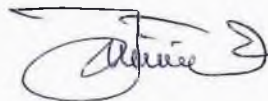
RULING

22nd & 26th August, 2022

TIGANGA, J

This is an application for extension of time in which the applicant is seeking to be granted leave to appeal against the decision of the District Court of Arusha, hereinafter, the trial Court, (Hon. Meena, RM) in Criminal Case No. 02 of 2020. Before that court, the applicant was found guilty and convicted, consequent of which, he was sentenced to life imprisonment.

The application was filed through chamber summons supported by an affidavit sworn by the applicant. It was filed under section 14(1) of the Law of Limitations Act [Cap 89 R.E. 2019] and section 361 (2) of the

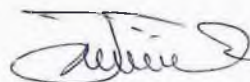


Criminal Procedure Act [Cap 20 R.E 2019] and any other enabling provision of the Law.

For the reason articulated in the affidavit filed in support of the application, the applicant failed to initiate the appeal process by filing the Notice of Appeal and subsequently, the appeal in time. Therefore, having been so failed to do so, he is now applying for leave to file the Notice of Appeal out of time.

Upon service, the respondent did not oppose the application by filing the counter affidavit. At the hearing of the application, Ms. Akisa Mhando, learned Senior State Attorney for respondent, Republic, informed the court that, she did not file the counter affidavit because she was not objecting the application.

After passing through the chamber summons and the affidavit filed in its support, the same being not objected by the respondent, I find the application to be meritorious, therefore grantable. That said, I allow the application for extension of time as presented by the appellant, the applicant is hereby given 14 days within which to file the Notice of Appeal. He is also given more seven days from the date of filing the Notice of appeal to file his appeal.

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This means the applicant has been given an aggregate of 21 days within which to file the Notice of Appeal and the grounds of Appeal.

It is accordingly ordered.

DATED at ARUSHA, this 26th day of August, 2022.



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J. C. TIGANGA

JUDGE