

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

MISC. CRIMINAL APPLICATION NO. 5 OF 2022

(Originating from District Court of Kondoa at Kondoa in Criminal Case No. 47 of 2021)

ALLY ISSA MKALAMBA APPLICANT

VERSUS

THE REPUBLIC..... RESPONDENT

RULING

27/4/2022 & 27/4/2022

MASAJU, J

The Applicant, Ally Issa Mkalamba, was charged with, and convicted of UNNATURAL OFFENCE contrary to section 154 (1) (a) of the Penal Code, [Cap 16 RE 2019] in the District Court of Kondoa. He was sentence to serve life imprisonment, hence this application for leave to file appeal in the extended time in terms of section 361(2) of the Criminal Procedure Act, [Cap 20 RE 2019].

The Chamber Summons Application is made under section 361(2) of the Criminal Procedure Act, [Cap 20 RE 2019] supported with an Affidavit affirmed by the Applicant himself. The Affidavit gives the background and the reason for the Application in paragraphs 2-9.

When the Application was called upon for hearing today the 27th day of April, 2022, the layman prisoner Applicant appeared in person. He adopted the Chamber Summons and the Affidavit thereof to form his submissions in support of the Application in the Court as he prayed the Court to grant the Application accordingly.

The learned State Attorney, Ms. Patricia Mkina, for the Respondent Republic did not contest the Application, for the reasons deponed by the Applicant were valid.

The Court appreciates the parties' submissions on this Application. Indeed, the reasons deponed by the Applicant in the Affidavit, particularly in paragraphs 4-9 are valid, hence worth of positive consideration accordingly by the Court, for the delay was beyond his control since according to the Criminal Procedure Act, [Cap 20 RE 2019] it was the Prison Officer Incharge who facilitates the processes for any legal remedies, including appeals, for the prisoners.

Thus, the meritorious Application is hereby granted accordingly. The intended appeal, if any, shall be duly filed in the Court within forty five (45) days of this order.



GEORGE M. MASAJU

JUDGE

27/4/2022