

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

AT KIGOMA

MISC. CRIMINAL APPLICATION NO. 9 OF 2022

(Arising from Criminal Case No. 160 of 2021 of Kigoma District Court)

SAID ATHUMANI APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING

29/8/2022 & 30/8/2022

L.M. Mlacha,J

This is a ruling on an application for extension of time within which, the applicant, Said Athumani can file an appeal against the decision of the District court of Kigoma made in criminal case No. 160/2021. The application is made under section 361(2) of the Criminal Procedure Act, Cap 20 R.E 2019 and is supported by the affidavit of the applicant's counsel Mr. Daniel Rumenyela stating the grounds upon which the application is made. The applicant had one reason only, that, he could not get a copy of the decision in time. That, despite the fact that he had lodged a notice of appeal at an early stage but could not get a copy of the judgement to enable him to prepare and lodge the grounds of appeal. Mr. Raymond Kimbe who appeared

for the respondent Republic had no objection to the application. He could not even lodge a counter affidavit. He conceded.

In view of the lack of objection from the respondent Republic and on the strength of the submission of Mr. Daniel Rumenyela and reasons contained in the counter affidavit, I find no reason as to why the application should not be granted. It is accordingly granted.

The applicant is given 14 days within which to lodge his application.

It is ordered so.



L.M. Mlacha

Judge

30/8/2022

Court: Ruling delivered through the virtual court services.



L.M. Mlacha

Judge

30/8/2022