

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**  
**SONGEA DISTRICT REGISTRY**  
**AT SONGEA**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 27 OF 2022**

*(Originating from Criminal Case No. 48 of 2021 Mbinga District Court)*

**SIMON HYERA.....APPLICANT**

**VERSUS**

**THE REPUBLIC .....RESPONDENT**

**RULING**

**Date of last order:** *03/10/2022*

**Date of Ruling:** *03/10/2022*

**MLYAMBINA, J.**

This is an application for extension of time within which the Applicant can lodge notice of appeal and appeal out of time. The application is made by way of chamber summons under *Section 361 (2) of the Criminal Procedure Act Cap 20 (R.E. 2019)* and it is supported with the affidavit of Simon Hyera, the Applicant.

On 3<sup>rd</sup> October, 2022 when the application came for hearing learned Senior State Attorney Hebel Kihaka for the Republic had no objection to the application. Having gone through the supporting affidavit, I find there is no good reason to deny this uncontested application.

The supporting affidavit evidence lays down clearly that the Accused was convicted and sentenced to thirty years imprisonment for the offence of

rape by the District Court of Mbinga at Mbinga on 25<sup>th</sup> August, 2021. After the said conviction and sentence, the Applicant lodged Notice of Appeal before this Court instead of lodging his Notice of Appeal before the trial Court, hence delay in lodging his appeal on time.

In the event, the application stands granted. The Applicant is given ten days (10) days' time to lodge his Notice of Appeal and Petition of Appeal out of time.



**Y. J. MLYAMBINA**

**JUDGE**

**03/10/2022**

A handwritten signature in blue ink, appearing to be "Y. J. Mlyambina", written over a circular line that connects to the seal.

Ruling delivered and dated 03<sup>rd</sup> day of October, 2022 in the presence of the Applicant in person and learned Senior State Attorney Hebel Kihaka for the Republic.



**Y. J. MLYAMBINA**

**JUDGE**

**03/10/2022**

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