

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

MISCELLANEOUS CRIMINAL APPLICATION NO. 32 OF 2022

(Originating from Criminal Case No. 52 of 2021 Mbinga District Court at Mbinga)

KACHANGA OSMUND KINUNDA.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of last order: 05/10/2022

Date of Ruling: 05/10/2022

MLYAMBINA, J.

The application before the Court is on 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 (Revised Edition 2019)* and it is supported with the affidavit of Kachanga Osmund Kinunda, the Applicant.

On 5th October, 2022 when the application came for hearing learned Senior State Attorney Venance Mkonongo for the Republic had no objection to the application.

I had time to go 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 on 3rd August, 2021. After the said conviction and sentence, the Accused filed Notice of intention to Appeal on required time to this Court instead of filing at the District Court of Mbinga, hence his Notice of appeal was struck out by this Court.

The Applicant has further sworn that failure to file the Notice of Appeal to the required Court was not intentional but to the reason which are out and above his control as a Prisoner and a Layman who depends on Prisons Authority for legal assistant.

In the circumstances of the above, 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.

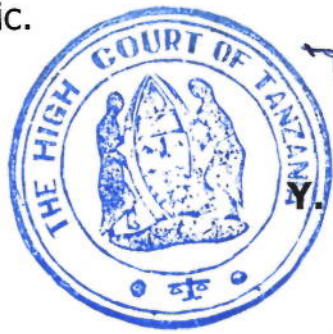


Y. J. MLYAMBINA

JUDGE

05/10/2022

Ruling delivered and dated 5th day of October, 2022 in the presence of the Applicant in person and learned State Attorney Venance Mkonongo for the Republic.



Y. J. MLYAMBINA

JUDGE

05/10/2022