

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
[IN THE DISTRICT REGISTRY OF ARUSHA]
AT ARUSHA

MISC. CRIMINAL APPLICATION No. 56 OF 2022

(Originating from Criminal Case No. 30 of 2020 of Mbulu District Court)

PAULO BOAYAPPLICANT

VERSUS

THE REPUBLIC..... RESPONDENT

RULING

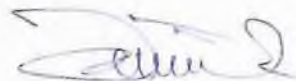
12th & 14th December 2022

TIGANGA, J.

In this application, the applicant applies for an order for extension of time within which to file the petition of appeal to this court against the judgment of the District Court of Mbulu in Criminal Case No. 30 of 2020.

The applicant moved this court by way of chamber summons supported by the affidavits sworn by the applicant himself; he filed this application under section 361 (1) and (2) of CPA [Cap 20 R.E 2022]. The affidavits filed in support of the application stated the reason for the delay and the grounds for the application.

The background of this matter is as follows; the applicant stood charged before the District Court of Mbulu in Criminal Case No. 30 of 2020 with an offence of rape Contrary to section 130(1)(a) and (2)(b) as well as 131(1) of the Penal Code Cap. 16 R.E 2019] [Now R.E 2022]. He was found guilty and convicted as charged, consequent of which he was



sentenced to 30 years' imprisonment. Being dissatisfied, he lodged the notice of intention of appeal, but could not get legal assistance to appeal. He therefore asks for leave to appeal out of time for the reasons given.

When the application was served to the respondent, Ms. Akisa Mhando, learned Senior State Attorney who appeared for the Republic, did not object it. Following that state of affairs, the applicant asked the court to rely on the application and the affidavits filed in support thereof and grant the application. Having been called upon to decide basing on the application, I find it apposite to restate that the application poses one substantive prayer, which is extension of time within which to lodge the appeal before this court against the impugned judgment.

I am aware that, section 361 (1) (b) of the Criminal Procedure Act (supra) provides for the requirement of filing the appeal within 45 days. Where the accused fails to lodge the appeal in time, he may do so after filing an application for extension of time and obtaining leave to file the Appeal out of time.

Being empowered to grant such an order for extension of time and on the basis of the reasons given in the affidavits filed in support of the application, I find this to be a fit case in which the extension of time can be granted.



I thus grant fourteen days from the date of this ruling for the applicant to lodge his Appeal to this Court.

It is ordered accordingly.

DATED at **ARUSHA**, this 14th day of December, 2022



A handwritten signature in blue ink, appearing to read "J. C. Tiganga", is written over a circular stamp.

J. C. TIGANGA

JUDGE