

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

**AT SONGEA**

**MISC. CRIMINAL APPLICATION No. 6 OF 2022**

(Originating from District Court Mbinga Criminal Case No. 6 of 2019)

**JAFARI KACHIKAO .....1<sup>ST</sup> APPLICANT**

**ISSA OMARY..... 2<sup>ND</sup> APPLICANT**

**VERSUS**

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

**RULING**

10.04.2022

**U. E. Madeha, J.**

This is an application for the extension of time made by way of Chamber Summons under section 361 (2) of the Criminal Procedure Act Cap 20 (R.E. 2019). The applicants pray for an extension of time to file a petition of appeal out of time. The application is supported by the affidavit of Jafari Kachikao and Issa Omary, the Applicants.

At the hearing of the application, the applicants appeared in person, unrepresented, whereas, the respondent was represented by Ms. Helen Chuma; the learned State attorney.

The applicants prayed to adopt the affidavit in support of the chamber summons for the reasons stated in paragraphs No. 1,2,3,4,5,6, and 7 of the affidavits, in the said paragraphs, it was stated that, they were charged, convicted, and sentenced to serve twenty (20) years of imprisonment for the offence of unlawful possession of the government trophy contrary to section 86(1) (2) (c) (iii) of the Wildlife Conservation Act No 5 of 2019.

As a matter of fact, they had filed the petition of appeal at Songea High Court. When the application was called for hearing, it was discovered that the petition was filed out of time, so their appeal was struck out. They prayed to the Court to extend time so as to lodge the appeal at the High Court.

On the other hand, the respondent's learned state attorney had no objection to the prayers made by the applicants. Having gone through the supporting affidavit, the Court is convinced that the applicant has adduced genuine reasons, such as that he had been sick for a long time in prison, which is why he was late in appealing.

Thus, I entirely agree with them that, they were prompt and diligent, which is a sufficient reason to use the Court's discretion to grant the

extension of time. Therefore, I hereby grant the prayer to extend the time to file their petition of appeal as prayed.

Lastly, I further order that the applicants to file their appeal within 10 days from the day they are availed with the copy of of this ruling. It is so ordered.

**DATED** at **SONGEA** this 10<sup>th</sup> day of **APRIL**, 2022



A handwritten signature in blue ink, appearing to read "Madeha", is written over a horizontal dotted line.

**U. E. MADEHA**  
**Judge**  
**10/04/2022**