

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(SUMBAWANGA DISTRICT REGISTRY)

AT SUMBAWANGA

DC. CRIMINAL APPEAL NO. 50 OF 2021

JUMANNE S/O ABRAHAMAN APPELLANT

VERSUS

THE REPUBLIC RESPONDENT

(Appeal from the decision of the District Court of Mlele at Mlele)

(B. M. Ahmed, RM)

Dated 16th day of June 2021

In

Economic Crimes Case No. 23 of 2019

RULING

Date: 18 & 18/05/2022

NKWABI, J.:

This ruling emanates from an objection raised by Ms. Marietha Maguta learned State Attorney prior to the commencement of the hearing of the appeal today.

Ms. Maguta noted that the petition of appeal was brought to this Court out of time. She prayed the appeal be struck out for being incompetent for being lodged out of the prescribed time as no extension of time was sought and granted to the appellant to lodge his petition of appeal out of time.

Called upon to respond to the objection, the appellant stated that he does not know because he believes that the petition of appeal was filed within time. He therefore, added, he could not therefore ask/apply for extension of time.

In rejoinder, Ms. Maguta reiterated that the appellant seems to have not applied for extension of time. She prayed the appeal be struck out for being filed out of time.

I have looked at the copy of the judgment of the trial court, the learned trial magistrate, at the end of delivering the judgment noted and I quote:

"COURT: Copy of Judgment, and 'Muhtasari wa Hukumu kwa lugha ya Kiswahili' are all supplied to the accused person today before the court via specific Court Register."

Going by that record, the appellant, even where Ms. Maguta notified the court that the petition of appeal was lodged out of time, did not claim that there was a delay in being supplied with the copy of judgment.

Since the appellant was supplied with the copy of judgment on 16/04/2021 his lodging the appeal on 30th June 2021 was obviously out

of the prescribed time under Section 373 (1) (b) of the Criminal Procedure Act, Cap. 20 R.E. 2019. In the circumstances, I accede to the prayer of Ms. Maguta and proceed to strike out this appeal as it is incompetent.

It is so ordered.

DATED at **SUMBAWANGA** this 18th day of May 2022.




J. F. NKWABI
JUDGE