

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE DISTRICT REGISTRY OF ARUSHA)

AT ARUSHA

CRIMINAL APPLICATION NO. 19 OF 2021

(C/F Economic Crimes Case No. 42 of 2018, Arusha Resident Magistrate's Court, Before R.A. Ngoka, SRM)

JAMES YASSIN LATI.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

21/03/2022 & 21/03/2022

MZUNA, J:

This is an application for extension of time to file notice of intention to appeal to this Court out of time.

The application has been preferred by James Yassin Lati, the applicant herein against the Republic. There is an affidavit supporting the application.

When the matter was coming for hearing, Ms. Sabina Silayo, the learned Senior State Attorney informed Court that they do not object this application.

Reading the filed supplementary affidavit sworn by Mr. Manyota, the learned Advocate for the applicant, the applicant is currently serving twenty years prison term after being found guilty for the offence of unlawful possession of Government Trophy contrary to Section 86 (1) and (2) (c) of the Wildlife Conservation Act, No. 5 of 2009 as amended by

Section 59 (a) and (b) of the Written Laws (Miscellaneous Amendment Act No. 2 Act No. 4/2016 read together with paragraph 14 of the 1st schedule....).

That judgment was delivered on 21st December, 2020. That, then the applicant had since then been at Kisongo prison and latter noticed the time to file notice and appeal has already expired.

It is averred under paragraph 8 of the said supplementary affidavit that "the delay to file notice of appeal and petition of appeal to this Court was caused by circumstances out of the applicant's control which include being under prison restraint and in accessibility of legal service from an Advocate..."

This Court would agree with the applicant that the delay was not due to dilatory conduct or negligence on his part.

For the reasons above stated, this application is hereby granted under Section 361 (2) of the Criminal Procedure Act, Cap 20 R.E. 2019.

Leave to file notice of intention to appeal out of time is granted. The same be filed within 10 (ten days) from today.





M.G. MZUNA

JUDGE

21/03/2022