

**THE UNITED REPUBLIC OF TANZANIA  
JUDICIARY  
IN THE HIGH COURT OF TANZANIA  
(DISTRICT REGISTRY OF MBEYA)  
AT MBEYA**

**CRIMINAL APPLICATION NO.92 OF 2021**

*(From original Criminal Case No.97 of 2019 arises from the District Court of  
Mbarali at Rujewa)*

**FITAAH S/O HERST & 2 OTHERS.....APPLICANTS**

**VERSUS**

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

**RULING**

***Date of last Order: 28/02/2022***

***Date of Ruling: 28/02/2022***

Acheni s/o Samweli filed this application seeking to be granted extension of time to file an appeal out of time. However, as argued by the learned counsel, Ms. Sara Anesius, and conceded by the applicant himself, the application is in the name of FITAH s/o HERST and TWO OTHERS. The said Fitah has not appeared before this Court and the application has been filed by Acheni Samweli. A part from the name of the parties, there is also no joint affidavit by the parties to support the application.

In premises, Acheni Samweli appears to be a stronger in the suit rendering the suit untenable before this Court. Under the circumstances, the application is hereby struck out. Acheni Samwel is advised to file a proper application bearing his own name as the rest of the applicants are not present.

Dated at Mbeya on this 28<sup>th</sup> day of February 2019.

  
**L.M. Mongella**

**Judge**

**28/02/2022**

