

IN THE HIGH COURT OF TANZANIA
(MTWARA DISTRICT REGISTRY)

AT MTWARA

CRIMINAL APPEAL 61 OF 2021

(Originating from Criminal Case No 179 of 2020 from the District Court of
Nachingwe)

KHALIFA RASHIDI.....APPELLANT

VERSUS

THE REPUBLICRESPONDENT

Date of Hearing: 24/02/2022

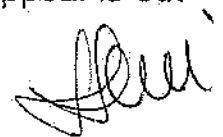
Date of Ruling: 28/03/2022

RULING

Muruke, J.

Khalifa Rashid was charged and convicted of the offence of incest by male contrary to section 158 (1) (a) of the Penal Code Cap 16 R.E 2019. On first count It was alleged that from unknown date to 3rd day of November 2020 at Lionja B village within Nachingwea District in Lindi Region appellant had sexual intercourse with her own biological daughter aged 12 years. On the second count was charged for Rape Contrary to Section 130(1) (2) and 131 (1) of the Penal Code Cap 16 R.E 2019.

After fully hearing, he was convicted on 15th April 2021, to serve 30 years imprisonment. Being dissatisfied, he filed present appeal on 25 June 2021, being after 71 days from the date of decision. Time provided for is 45 days. Thus, appeal is out of time. In the up short Appeal is out



time, thus struck out. However appellant is granted automatic leave to file his appeal within 45 days from today

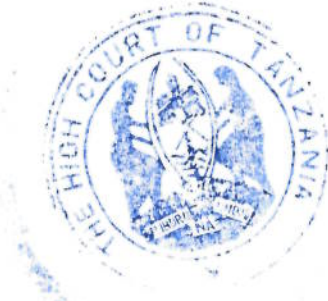


Z. G. Muruke
Z. G. Muruke

Judge

28/03/2022

Ruling delivered in the presence of Appellant and W. Ndunguru Senior State Attorney for the Respondent.



Z. G. Muruke
Z. G. Muruke

Judge

28/03/2022