

IN THE HIGH COURT OF TANZANIA
(MTWARA DISTRICT REGISTRY)
AT MTWARA

CRIMINAL APPEAL 53 OF 2021

(Originating from Lindi District Court Criminal Case No. 74 of 2020)

HAMZA HAMAD NAMTULE@SUPU.....APPELLANT

VERSUS

THE REPUBLICRESPONDENT

Date of Hearing: 21/03/2022

Date of Judgment: 28/03/2022

RULING

Muruke, J.

Hamza Hamad @ Supu was charged and convicted by the district court of Lindi at Lindi on the offence of rape contrary to section 130] (2) (a) and 131 (1) of the Penal Code Cap 16 R.E 2019, thus sentence to 30 years imprisonment with 12 strokes of cane on 31/08/2020.

Being dissatisfied he filed present appeal on 29 June 2021. On the date let for hearing appellant was in person thus requested court to adopt grounds of appeal as his submission. Respondent was represented by Ajuaye Bilishanga Principal State Attorney, was submitted in support of conviction and sentences.

In the cause of composing judgment I came across following record by the appellant in his petition of appeal as follows:

Date of judgment and conviction 31/08/2020

Date of entering prison 31/08/2020



Date of copy of judgment supplied 13/04/2021
Date of preparing petition of appeal 17/05/2021
Date of transmission 31/05/2021

Presented for filing this 29th day of June 2021

.....
REGISTRY OFFICER

From the reproduced part of records, it is clear that, appellant is trying to sustain his appeal to be within time.

From 31 August 2020, when judgment was delivered to the date of filing on 29th June 2021 is a period of almost 10 months. Appellant out to have sought extension of time before filing his appeal, explaining reason of delay as records reproduced above try to show. Appellant out to have filed appeal within 45 days from the date of decision pronounced. In terms of reproduced records, appellant is trying to seek extension of time in appeal itself. That cannot be accepted. Appeal is out of time, thus struck. For interest of justice Appellant is granted automatic leave to file his appeal within 45 days.



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

Judge

28/03/2022