

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

**CRIMINAL APPEAL 48 OF 2021**

*(Originating from Lindi District Court of Lindi in Criminal Case No. 67 of  
2020)*

**SALUM IBRAHIM MIHEVA.....APPELLANT**

**VERSUS**

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

Date of Hearing: 09/03/2022

Date of Ruling: 30/03/2022

**RULING**

**Muruke, J.**

Salum Ibrahim Mihera the appellant was charged and convicted for an offence of rape contrary to section 130(1) (2) (e) and 131 (1) of the Penal Code Cap 16 R.E 2019 thus sentenced to serve 30 years imprisonment and pay 1,00,000/= as compensation to the victim on 18 March 2021. Being dissatisfied, he filed present appeal on 31 May 2021, being after 71 days from the date of judgment. There is no extension sought before filing of appeal as the law provides for 45 days. Appeal is out of time, thus struck out. Bearing in mind appellant right to be heard, and that issue of time limitation has been raised by the court Suo motu, appellant is given automatic rights to file appeal within 45 days from today.



  
**Z. G. Muruke**

**Judge**

**30/03/2022**