

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

MUSOMA DISTRICT REGISTRY

AT MUSOMA

MISC. CRIMINAL APPLICATION NO. 15 OF 2022

BETWEEN

JOSEPH MUGESI MTONGORI.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

30th&30th March, 2022.

A. A. MBAGWA, J.

This is application for extension of time within which to file a notice of intention to appeal and petition of appeal. The application is made under section 361(1) and (2) of the Criminal Procedure Act and it is supported by the applicant's affidavit

The applicant, Joseph Mugesu Mtongori was convicted of rape by the District Court of Serengeti in Criminal Case No. 148 of 2017. He was consequently sentenced to serve a prison term of thirty (30) years. The applicant is currently serving his sentence at Kwitanga prison in Kigoma region.

According to the record, the judgment was delivered on 22nd November, 2017. He thus applied to be supplied with copies of proceedings and judgment shortly after delivery of judgment but the same were not availed to

him until on 28th day of July, 2020. As such, he applied for and was granted extension of time by this Court on 5th day of May, 2021. However, the period extended expired without filing the necessary documents. The applicant states that though the ruling was delivered on 5th May, 2021, he received the ruling copy on 21st August, 2021 when the extended period had lapsed. The applicant further stated that reason for delay to get a copy of the ruling was the remoteness of the prison where he is currently serving his prison term.

Owing to the circumstances above, the applicant has brought this second application in the endeavours to pursue his right of appeal.

When the matter came for hearing today, the applicant appeared through teleconference from Kwitanga prison whereas Mr. Nimrod Byamungu represented the Republic.

The applicant adopted his affidavit and prayed the court to consider the grounds therein and finally grant him extension of time. Mr. Byamungu, learned State Attorney, on his side, fully supported the affidavit.

In fine, having canvassed the grounds advanced in this application, I am satisfied that the applicant has demonstrated sufficient cause to warrant him extension of time. I therefore grant the application. The applicant is thus

given a period of forty five (45) days from the date of delivery of this ruling to have the notice of intention to appeal and petition of appeal filed.

It is so ordered.

Right of appeal is explained.



A. A. Mbagwa

JUDGE

30/03/2022

Court: This ruling has been delivered in the presence of the applicant and Nimrod Byamungu, learned State Attorney for the respondent via teleconference this 30th day of March, 2022.

A. A. Mbagwa

JUDGE

30/03/2022