

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

**MISC. CRIMINAL APPLICATION NO. 03 OF 2022**

*(Arising from Economic Case No. 47 of 2021 pending in the Resident Magistrate Court of Morogoro)*

**MGWENO MNYAGATO..... 1<sup>ST</sup> APPLICANT**

**SAMSON NGALEMBULA .....2<sup>ND</sup> APPLICANT**

**VERSUS**

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

**RULING**

*Hearing date on: 03/2/2022*

*Ruling date on: 03/2/2022*

**NGWEMBE, J:**

The applicants are in this court seeking extension of time to lodge notice of appeal and appeal out of time. Their chamber summons is backed by section 361 (2) of Criminal Procedure Act attached with an affidavit of the 1<sup>st</sup> applicant. The contents of the affidavit narrates the genesis of the case which led them to imprisonment for the period of twenty (20) years. Also, they disclosed the reasons for delay to issue notice of appeal within time. In essence, they disclosed in paragraphs 4,5 & 6 that they filed their notice of intention to appeal on the very day of their conviction and sentence, but procedurally faulted to cite properly the registry of the High Court. That

instead of citing the High Court of Tanzania at Morogoro Registry, mistakenly they cited High Court Dar es Salaam District Registry. By the time they realized that defect they were already out of time. That being the ground for delay, they are applying for extension of time to lodge notice of appeal and appeal out of time against the conviction and sentence pronounced by the trial court.

On the hearing date of this application, the applicants appeared in persona, while the Republic/respondent was represented by learned State Attorney Tumaini Mafuru, who conceded to the application and prayed this court to consider and grant the extension of time.

Considering deeply on the evidences comprised in the affidavit in support to the chamber summons, I agree with the learned State Attorney that this application is built on mistakes made in proper citation of the court Registry. Therefore, without laboring much on this issue, I find the application for extension of time is clothed with good reason.

Accordingly, I proceed to grant the application and the applicants are given 20 days to lodge their intended notice of intention to appeal and appeal to this court within 20 days after expiry of the notice.

**It is so ordered.**



**P.J. NGWEMBE**

**JUDGE**

**03/2/2022**

**Court:** Ruling delivered at Morogoro in Chambers on this 3<sup>rd</sup> day of February, 2022 in the presence of all applicants and Mr. Tumain Mafuru learned State Attorney for the Republic/Respondent.

**Right to appeal to the Court of Appeal explained.**



A handwritten signature in blue ink, appearing to read "P.J. Ngwembe", is written over the text.

**P.J. NGWEMBE**

**JUDGE**

**03/2/2022**