

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF DAR ES SALAAM**

AT DAR ES SALAAM

MISC. CRIMINAL APPLICATION NO. 19 OF 2022

AMANI ABDUL APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

**(Application for extension of time within which to lodge the notice
of intention to appeal from the decision of the District Court
of Temeke at Temeke in Criminal Case No. 812 of 2006)**

RULING

22nd and 22nd March, 2022

KISANYA, J.:

In this application, the Court is being moved as follows: -

*"... to grant the application (sic) leave to lodge a notice
of intention to appeal out of time in Criminal Case No.
812 of 2006"*

The application is supported by an affidavit of the applicant, Amani Abdul affirmed on 24th January, 2022. According to the chamber summons and affidavit, the impugned decision was delivered by the District Court of Temeke at Temeke in Criminal Case No. 812 of 2006. It was also deposed that an appeal against the said decision was struck out by Hon. Sarwatt, SRM with Extended Jurisdiction in Criminal Appeal No. 31 of 2020.

When this matter was called on for hearing on 16th March, 2022, the applicant informed the Court that he had filed another application which was disposed of before Hon. Itemba, J. However, he was not able to state what the application was all about and its outcome. Considering further that the copies of decisions made by Hon. Itemba, J and Hon. Sarwatt, SRM with Extended Jurisdiction were not appended to the application, I found it appropriate to adjourn the hearing in order to satisfy myself on the status of the said cases.

Upon going through the judicial system (JSDS2), it was revealed that the applicant had, on 18th May, 2021 moved this Court in Misc. Criminal Application No. 121 of 2021 seeking extension of time within which to lodge the notice of intention to appeal against the decision of the District Court of Temeke in Criminal Case No. 812 of 2006. It was observed further that the said application was still pending in this Court. Therefore, when the parties appeared for hearing today, I invited them to address the Court on the competence of this application.

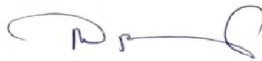
The applicant being a layperson and unrepresented had nothing substantial to submit. He rather prayed that this application be determined in lieu of the previous application.

On the other side, Ms. Esther Kyara, learned Senior State Attorney who appeared for the respondent urged the Court to strike out this application for being incompetent. She submitted further that parties are required to wait for the outcome of the pending case.

I entirely agree with the learned State Attorney. This application was improperly filed and admitted because the previous application had not been determined. That finding renders the present application incompetent before this Court.

In the upshot of the foregoing, the application is hereby struck out and the applicant is advised to make follow-up of Misc. Criminal Application No. 121 of 2021. It is so ordered.

DATED at DAR ES SALAAM this 22nd day of March, 2022.



S.E. Kisanya
JUDGE
22/03/2022

Court: Ruling delivered this 22nd day of March, 2022 in the presence of the applicant and Ms. Esther Kyara, learned Senior State Attorney for the respondent.



A handwritten signature in blue ink, appearing to be 'S.E. Kisanya'.

S.E. Kisanya
JUDGE
22/03/2022