

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
SONGEA DISTRICT REGISTRY
AT SONGEA

MISCELLANEOUS CRIMINAL APPLICATION NO. 05 OF 2022

(Originating from Criminal Case No. 33 of 2021 Mbinga District Court)

GODFREY WINFRID HAULE.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Date of last order: 23/05/2022

Date of Ruling: 23/05/2022

MLYAMBINA, J.

This is an application for extension of time within which the Applicant can lodge notice of appeal and petition of appeal out of time. The application is made by way of chamber summons under *Section 361 (2) of the Criminal Procedure Act Cap 20 (R.E. 2019)*. The application is being supported with the affidavit of Godfrey Winfrid Haule, the Applicant. The major reason advanced by the Applicant is that his failure to lodge the appeal out of time was due to reasons beyond his control. At the hearing, the Applicant amplified that reason by stating that he was served with the copy of Judgement and Proceedings late.

On 23rd May, 2022 when the application came for hearing, learned State Attorney Hebel Kihaka had no objection to the application.

Having gone through the supporting affidavit and being satisfied that the Applicant delayed to file his appeal for the reason of being served with the

necessary Proceedings and Judgement out of time, I find there is no good reason to deny this uncontested application.

In the event, the application stands granted. The Applicant is given 14 days' time to lodge his Notice of Appeal and Petition of Appeal out of time.



Y. J. MLYAMBINA
JUDGE
23/05/2022

Ruling delivered and dated 23rd May, 2022 in the presence of the Applicant in person and learned State Attorney Hebel Kihaka for the Respondent.



Y. J. MLYAMBINA
JUDGE
23/05/2022