

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE DISTRICT REGISTRY OF ARUSHA AT ARUSHA**

**MISC CRIMINAL APPLICATION NO. 83 OF 2021**

*(C/F Criminal Case No.34 of 2020 at the District Court of Hanang' at Katesh)*

**JOSEPH MWANGU.....APPLICANT**

**VS**

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

**RULING**

*Date of last Order:16-5-2022*

*Date of Ruling:17-5-2022*

**B.K.PHILLIP,J**

The applicant herein lodged this application under the provisions of section 361(2) of the Criminal Procedure Act , praying for the following orders;

- i) That this Honourable Court be pleased to grant the applicant extension of time to file a notice of Appeal.
- ii) That this Honourable Court be pleased to grant the applicant extension of time to file an appeal out of time so that he can challenge the Judgment of the District Court of Hanang' at katesh dated 28/7/2020 ( A.P.Shao –RM) in Criminal Case No.34 of 2020.
- iii) Any other relief as the Honourable Court may deem just to grant.

The application is supported by an affidavit sworn by the applicant and it is not contested.

In his submission before this Court the applicant adopted the contents of his affidavit and prayed this application to be granted so that he can challenge the decision of the lower Court. In his affidavit in support of this application the applicant stated among other things that he is aggrieved by the decision of the lower Court. In the year 2020, he filed an application for extension of time to file his appeal in this Court vide Criminal Application No. 75 of 2020. The same was struck out for being incompetent and he was informed by the Court that he can file an omnibus application for an application for extension of time to file a notice of appeal and the appeal. The applicant attached to his affidavit the Order of this Court in respect of the said Criminal Application No. 75 of 2020.

Upon perusing the Court's records, I am satisfied that this application has merit and I hereby grant it. The applicant should file his notice of intention to appeal within ten (10) days from the date of this Order. The appeal has to be filed within thirty days from the date of this Order.

Dated this 17<sup>th</sup> day of May 2022



  
**B.K.PHILLIP**  
**JUDGE**