

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

CRIMINAL APPLICATION NO.4 OF 2022

(Originating from Criminal Case No.53 of 2017 of RM'S Court Mbeya)

BETWEEN

YELA NSALAMBA..... APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

Date of Hearing: 17/05/2022

Date of Ruling: 17/05/2022

MONGELLA, J.

The applicant is hereby seeking for extension of time within which to file an appeal against the decision of the Resident Magistrates' Court for Mbeya rendered in Criminal Case No.53 of 2017. He has advanced one major reason for his delay, being that, he has been in prison all the time, thus depending on the prison officers to facilitate the appeal process.

The respondent does not object the application on the ground that the advanced reason for the delay is sufficient. This Court as well finds

the reason advanced being sufficient. By being in prison, the applicant had no control of the appeal process, thus being at mercy of prison officers. In the case of **Buchumi Oscar vs. Republic**, Criminal Appeal No.295 "B" of 2011, the Court of Appeal ruled such kind of reason being sufficient to warrant grant of extension of time.

In the premises, the application is hereby granted as prayed. The applicant is given 45 days from the date of this Ruling to lodge his appeal.

Dated at Mbeya on this 17th day of May 2022.




L.M. Mongella

Judge

17/05/2022