

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

**MISC. CRIMINAL APPLICATION NO.24 OF 2021
FROM THE DISTRICT COURT OF MBOZI AT MBOZI**

(Originating from the Mwambani Primary Court, Criminal Case No.326 of 2017)

BETWEEN

ANDREA GABRIEL..... APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

Date of Hearing: 17/05/2022

Date of Ruling: 17/05/2022

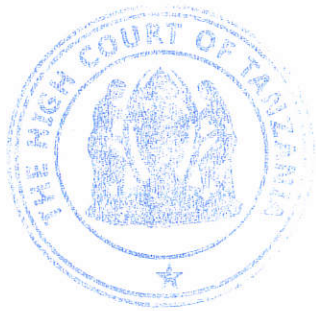
MONGELLA, J.

In this application, the applicant is praying to be granted extension of time within which to lodge an appeal out of time. He intends to challenge the decision of the District Court of Mbozi rendered in Criminal Appeal No.03 of 2018. In his affidavit in support of the application, which he prayed to be adopted as his submission; he advanced reasons for the delay being that; he was transferred from Mbozi Prison to Isanga Prison in Dodoma, thereby losing control of the appeal process.

The respondent supported the application in consideration of sufficiency of the reason advanced. This Court as well finds the reason advanced being sufficient. In the case of **Maneno Muyombe and Another vs. Republic**, Criminal Appeal No.435 of 2016, lack of control of the appeal process, where the applicant is in prison, was considered a sufficient cause for the delay.

In consideration of the position of the law, I grant the application as prayed. The applicant is hereby 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