

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF MANYARA
AT BABATI
MISC. CRIMINAL APPLICATION NO. 2 OF 2023**

(Originating from Original Criminal Case No. 35/2018 Babati District Court)

ABUBAKARI ABDALLAH AMASI.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

14th & 14th February, 2023

Kahyoza, J:

Abubakari Abdallah Amasi, the applicant, applied for extension of time to lodge his Appeal. The issue is whether he has adduced sufficient reason for delay.

Briefly, the applicant after his conviction with the offence of Trafficking Narcotic Drugs, he lodged to notice of Appeal to the D/C on 14/6/2022. His conviction was on 25/5/2022 in absentia. Later, the police arrested and presented him to the trial Court on 7/6/2022, which sent him sent to prison the same day. After, he was supplied with copies of the judgment, the applicant lodged his Appeal.

On the date his Appeal was fixed for hearing, this Court (Hon. Barthys J.) found that the Appeal was filed out of time and without lodging a notice of Appeal. The Court dismissed the Appeal, hence the applicant filed the current Appeal for extension of time.

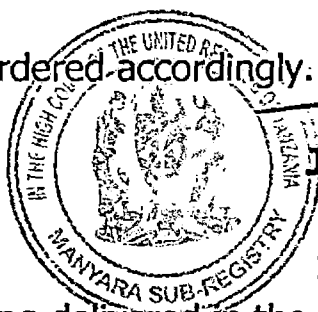
The applicant is represented by Mr. Raymond Advocate, who advanced one ground to support the application for extension of time, delay was technical one.

He stated that the applicant lodged a notice of Appeal to the district court on 14/6/2022, which did not file it in the relevant file. He prayed the application to be granted leave to appeal out of time.

Ms Blandina, the respondent state Attorney, did not oppose the application. She supported it and stated that the applicant be given time within which to appeal.

This is an unopposed application for extension of time even if, it was opposed I would have held that the applicant has adduced sufficient reason for delay. There is sample evidence to show that the applicant lodged a notice of Appeal on time to the district court as the law requires. Unfortunately, the district court misplaced the applicants notice of appeal. The D/C did not file it in the Court record. The applicant is not to blame for the misplaced notice of Appeal. I therefore, extend time to the applicant to re-lodge his Appeal basing on the fact that he lodged a notice of Appeal on time. I grant him 15 days within which to lodge the petition of Appeal.

It is ordered accordingly.




J. R. Kahyoza

Judge

14/02/2023

Court: Ruling delivered in the presence of the application and his advocate and Ms Blandina, S/A and Ms Dora B/C.


J. R. Kahyoza, J.

14/02/2023