

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

**CRIMINAL APPLICATION NO. 30 OF 2022**

*(Arising from Muleba District Court at Muleba in Criminal Case No. 124 of 2021)*

**GRAYDES DICKSON ----- 1<sup>ST</sup> APPLICANT**

**EDITHA DICKSON ----- 2<sup>ND</sup> APPLICANT**

**VERSUS**

**DIRECTOR OF PUBLIC PROSECUTION -----RESPONDENT**

**RULING**

*Date of Ruling: 10.02.2023*

*A.Y. Mwenda, J.*

This is an application for extension of time to file an appeal out of time. It is brought under section 361(2) and 392A (2) of the Criminal Procedure [Cap.20 R.E 2022]. It is also supported by an affidavit affirmed by the applicant's advocate.

During the hearing of this application the applicants appeared in person while the respondent (DPP) was represented by the learned State Attorney one Mr. Amani Kilua.

When invited to argue in support of their application the applicants said that they have nothing to submit, rather they prayed this court to consider the contents of their affidavit in ruling out this matter.

The respondent (The DPP) did not oppose this application. Mr. Amani, learned state attorney submitted that, the applicants filed the notice of appeal in time and to him, he thinks they deserve to be granted extension of time to file an appeal out of time.

Having heard the submissions by the parties, the issue is whether the applicants have advanced sufficient reasons for the delay.

From the records the applicants through their affidavit stated that, they prepared notice of intention to appeal in time and it was filed on 21<sup>st</sup> April 2022. They stated that the delay to lodge an appeal in time was due to lack of knowledge on what was the further step to be taken after filing notice of intention to appeal. To them, this delay was out of their control.

Having gone through courts records as well applicant's affidavit, it is clear that the notice of intention to appeal was filed in time but the applicants failed to register their appeal in time due to lack of knowledge on the legal procedure.

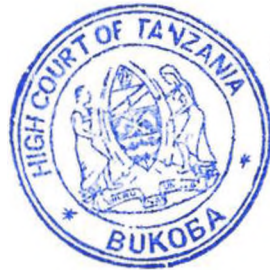
From the reasons which are advanced by the appellant, this court is of the view that they have demonstrated sufficient reason for the delay and therefore this court finds merits in their application. This application is therefore granted and the applicants are thus ordered to file petition of appeal within 21 days from the date of receipt of this ruling.

It is do ordered.



  
A.Y. Mwenda  
**Judge**  
10.02.2023

This ruling is delivered in chamber under the seal of this court in the presence of the applicants and in the presence of Mr. Amani Kilua the learned state attorney for the republic.



  
A.Y. Mwenda

**Judge**

10.02.2023