

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
DAR ES SALAAM DISTRICT REGISTRY  
AT DAR ES SALAAM**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 187 OF 2022**

**(Originating from Cr. Case No 125/2019 of the Kigamboni District Court.)**

**KHALID ALLY @ KHALID" MAKONYOLA..... ..APPLICANT**

**Haidari Ramadhani @ IDD @LONGOLA..... APPLICANT**

**VERSUS**

**REPUBLIC..... RESPONDENT**

**RULING**

*16<sup>th</sup> February 2023*

**MKWIZU, J.:**

The application is for extension of time to file notice of intention to appeal and the appeal against the decision of K. I Josiah RM, In criminal case No. 125 of 2019 delivered on 4<sup>th</sup> August, 2021. The payers are predicated under section 361(1) of the CPA (Cap 20 RE 2019). The application is brought by a chamber summons and supporting affidavit.

When the matter came today for hearing, Applicants who were all in court had the assistance of Mr. Fredrick Kalemana Advocate and Mr Jennifer Masue Senior State Attorney was for the respondent/Republic.

Submitting in support of the application, Mr. Kalemana said, after the trial court's decision, applicants filed their appeal to this court which was presided

over by Hon Kakolaki J. However, that appeal could not materialise as it was struck out for incompetence hence this application.

The learned State Attorney submissions was in supports of the application. She said, apart from being properly before the court, the applicants have exhibited sufficient reasons warranting the court to grant the prayers in the application.

Indeed, the application is merited. Section 361(2) of the CPA requires the applicant to show good cause. As correctly pointed out by the learned State Attorney, the applicant has shown sufficient reason for being granted extension of time. It is evident that they immediately after the striking out of their appeal by Hon, Kakolaki J, on 21/12/2022 filed this application on 21/12/2022. They have exhibited diligence in pursuing their appeal.

The application is therefore meritorious. Applicants are given **14 days** period from today to file their Notice of intention to appeal to be followed by a petition to appeal in **seven (7)** days' time after lodging their notice of intention to appeal.

Order accordingly.



**E. Y Mkwizu**  
**Judge**  
**16/2/2023**

