

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

MISC. CRIMINAL APPLICATION NO 48 of 2022

(Originating from Criminal Case No 61/2021 Liwale District at Liwale)

JUMA ALLY MCHUCHE.....APPLICANT

VERSUS

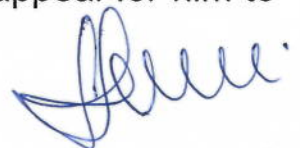
THE REPUBLIC RESPONDENT

RULING

Muruke, J.

Juma Ally Mchuche, filed present application for extension of time to file appeal to challenge trial court decision dated 14th December 2021. Application is supported by an affidavit sworn by applicant himself. Reason for delay are articulated at paragraph 3, 4, 5, and 6 of affidavit in support of application, mainly being delay to be supplied with copy of judgment and proceedings. Respondent counsel Enosh Kigoryo State Attorney did not object the prayer sought on account of right to be heard.

Indeed, what applicant is requesting before this court is right to be heard on his intended appeal. Legally, right to be heard is one of fundamental principles of natural justice, thus cannot rightly be ignored. What applicant is requesting before this court, is extension of time to file appeal for him to

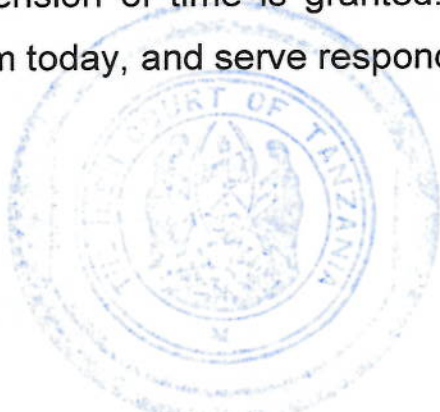


be, heard. The right to be heard is safeguarded in the constitution. Article 13(6) (a) of the constitution provides in the Kiswahili version thus;

“(6) Kwa madhumini ya kuhakikisha usawa mbele ya sheria, mamlaka ya nchi itaweka taratibu zinazofaa au zinazo zingatia misingi kwamba;”

“(a) Wakati wa haki na wajibu wa mtu yeyote vinahitajika kufanyiwa uamuzi wa mahakama au chombo kingine kinacho husika, basi mtu huyo atakuwa na haki ya kukata rufaa au kupata nafuu nyingine ya sheria kutokana na maamuzi ya mahakama au chombo hicho kinginecho kinachohusika.”

In totality, applicant has advanced good grounds for extension sought, thus extension of time is granted. Intended appeal to be filed within 45 days from today, and serve respondent accordingly.

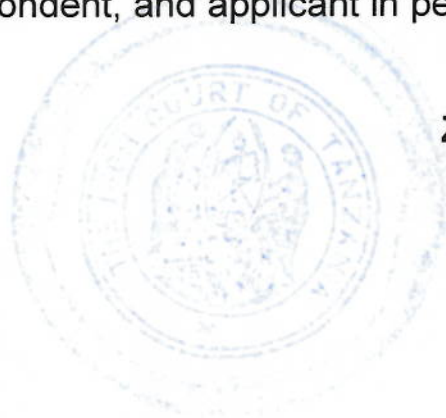



Z. G. Muruke

Judge

17/01/2023

Ruling delivered in the presence of Enosh Kigoryo State Attorney for the respondent, and applicant in person.




Z. G. Muruke

Judge

17/01/2023