

UNITED REPUBLIC OF TANZANIA

JUDICIARY

HIGH COURT OF TANZANIA

DISTRICT REGISTRY OF MOROGORO

AT MOROGORO

MISC. LAND APPLICATION NO. 54 OF 2023

(Originated from Misc. Land No. 5 of 2022 Mvomero District Court)

SELEMANI HEMED APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date of last Order: 9/10/20223

Date of Ruling: 9/10/20223

BEFORE: G. P. MALATA, J

The applicant herein is applying for extension of time within which to file notice of appeal and appeal out of time. The applicant has preferred the application under section 361(2) of the Criminal Procedure Act, Cap. 20 R. E. 2022.

When this application came for mention on 9/10/2023 both parties appeared in court. The applicant appeared unrepresented while the Republic appeared through Mr. Simon Mpina, learned State Attorney.

Mr. Mpina informed this court that, the Republic was not opposing the application.

On the other hand, the applicant prayed for grant of the application based on the reasons stated in the affidavit.

Having heard the parties herein, this court went through the affidavit and noted that, the applicant pointed out that, the delay was due to the fact that, the documents for appeal purposes was prepared by the prison officers, who failed to file it court timely, thus affecting the applicant's rights.

It is evident that the prisoner is really not a free agent before the prisoner Officers. He cannot compel or force the officer to do something on his behalf. Since the applicant was bound to follow the channel in pursuing for his rights as he had no advocate, this court finds that, the advanced reason bears weight and amount to good cause for extension of time.

In the event I found that, the applicant has discharged his legal obligation under section 361(2) of the Criminal Procedure Act by adducing good cause for the delay.

In view thereof, this court hereby grants leave to the applicant to file notice of appeal and appeal out of time. The granted leave be executed on condition that, the applicant file notice of appeal and appeal **within twenty-one (21) days** from the date of this Ruling.

IT IS SO ORDERED.

DATED at MOROGORO this 9th October, 2023.

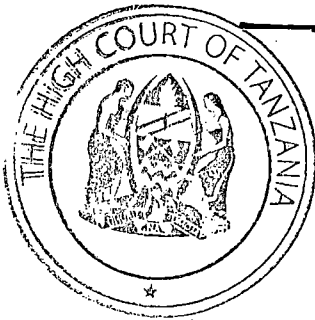



G. P. MALATA

JUDGE

9/10/2023

RULING delivered at **MOROGORO** in chamber this 9th October, 2023




G. P. MALATA

JUDGE

9/10/2023