

**IN THE HIGH COURT OF TANZANIA
THE DISTRICT REGISTRY OF BUKOBA
AT BUKOBA**

CRIMINAL APPLICATION No. 21 OF 2023

(Originating from Criminal Case No. 29 of 2020 of the District Court of Bukoba at Bukoba)

GERALD ANDREW APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

16th November & 16th November 2023

OTARU, J.:

This Application is filed by **Gerald Andrew**, the Applicant herein. It is for extension of time to file Notice of Intention to Appeal and the Appeal. It is made under Sections 361(2) and 392 A (2) of the **Criminal Procedure Act** (Cap. 20 R.E. 2022) and supported by Affidavit sworn by the Applicant himself.

At the hearing of the Application, the Applicant appeared in person. The Respondent Republic was represented by Mr. Kanisius Ndunguru, learned State Attorney who did not contest the Application. He stated that the reasons advanced in the Affidavit were sufficient to grant the extension to the Applicant.

Having heard the submissions by both parties, the question for determination before this court is whether there are sufficient reasons for the court to grant the Application.

The Judgment that the Applicant intends to appeal against was delivered on 16th August 2021. The Appellant was to file his Notice of Appeal within 10 days

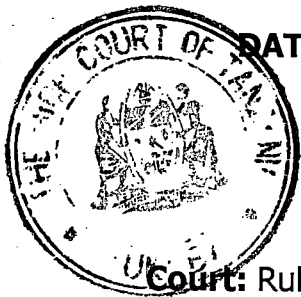
M. Otaru

and Appeal within 45 days from the date of the decision. He did not do so. He explained in the Affidavit that after being convicted and sentenced he was transferred from Bukoba Prison to Kitengule Prison which made it difficult to follow up on the proceedings and judgment in the District Court of Bukoba at Bukoba, as well as prepare the necessary documentation for the appeal.

As to whether the reason advanced by the Applicant is sufficient for the court to exercise its discretion in favour of the Applicant, this court is of the view that the same is sufficient and was outside of the Applicant's control. I thus find the Application to be meritorious and it is hereby granted.

The Applicant is to file his Notice of Intention to Appeal within 10 days. He is further granted 20 days within which to file the Appeal. The same are to be counted from the date of receipt of this Ruling.

It is so ordered.



DATED at **BUKOBA** this 16th day of November 2023.

M. Otaru
M.P. Otaru
Judge

Court: Ruling is delivered in Judge's Chamber under the seal of this court and in the presence of the Applicant in person and Mr. Kanisius Ndunguru, learned State Attorney for the Respondent Republic.

M. Otaru
M.P. Otaru
Judge
16/11/2023