

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB - REGISTRY OF SHINYANGA
AT SHINYANGA**

CRIMINAL APPEAL NO. 120 OF 2023

(Arising from Criminal Case No. 6 of 2023, in the District Court of Busega)

JOYCE MWITA..... APPELLANT

Versus

THE REPUBLIC.....RESPONDENT

Date of Last Order: 22/11/2023

Date of Ruling: 22/11/2023

RULING

S. M. KULITA, J

As for the nature of Appeals or applications filed by the Prisoners or remandees, it is the prison officers who are responsible in preparing the documents and submitting them to court. As for the matter at hand the notice of appeal was lodged within the prescribed time period of 10 (ten) days from the date of Judgment. The copy of Judgment to the Appellant was supplied to her on 11/7/2023, upon the same being sought by the Appellant on that same date.

However, the Petition of Appeal was lodged on 28/9/2023, that is out of the prescribed time limit of 45 (Forty Five) days. The said delay is there whether computed from the date of Judgment delivery which is 14/6/2023 or the date that the Appellant was supplied with the copy of Judgment which is 11/7/2023.

Upon been asked to address the court on that, the appellant stated that the delay to submit the petition was the fault of Prison Officers. She thus prayed to withdraw the appeal with leave to re-file. On the other hand the State Attorney had no objection on the said prayer.

As the circumstance shows that it is the fault of the Prison Officer which led to this appeal being time bared by filing it out of the prescribed time, I hereby make the following orders;

- (i) The appeal is hereby marked withdrawn with leave to refile as prayed by the Appellant herein.
- (ii) The time is extended for the Appellant to lodge the Fresh Notice of Appeal within 10 (ten) days from today, 22/11/2023.
- (iii) The time is extended for the Appellant to lodge the Petition of Appeal within 45 (Forty-Five) days from today, 22/11/2023.

It is so ordered.


S. M. Kulita
JUDGE
22/11/2023

DATED at SHINYANGA this 22nd day of November, 2023




S. M. Kulita
JUDGE
22/11/2023