

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DODOMA DISTRICT REGISTRY)

AT DODOMA

MISC. CRIMINAL APPLICATION NO. 42 OF 2022

(Arising from the decision of the District Court of Iramba at Kiomboi in Criminal
Appeal No.122 of 2021)

YONA TUBANGA.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

8/2/2022 & 9/2/2023

MASAJU, J.

This Chamber Summons Application for extension of time to file Notice of Appeal and Petition of Appeal out of time has been made under section 361(2) of the Criminal Procedure Act, [Cap 20, RE 2022]. The Application is being supported by the Affidavit sworn by Yona Tubanga, the Applicant, a layman who is a prisoner. The Affidavit gives the background and the reasons for the application.

When the application was called for mentioning before the Court on the 8th day of February 2023, the Applicant appeared in person whilst

Mr. Salum Matibu, learned State Attorney appeared for the Respondent Republic. The Respondent informed the Court that they do not intend to contest the application for the meritorious reasons deponed by the Applicant in the Affidavit, thus in the interest of justice the Court opted to proceed with hearing the Application since the Applicant was ready for hearing of his Application.

The layman Applicant prayed the Court to adopt the Chamber Summons and his Affidavit to form his submissions in support of the application in the Court. Lastly, he implored the Court to allow the application accordingly.

In reply, the Respondent did not contest the application. Hence, the Applicant had nothing to rejoin.

The reasons for the delay of the Applicant's filling the appeal in time have been deponed in paragraphs 3-11 of the Affidavit, that it was due to reasons beyond his control, him being a prisoner with no absolute freedom in control and follow-ups thereof of the appeal, hence failure to process the appeal in time.

The Court sees no good reason to deny the uncontested application, thus agrees in *toto* with the parties that the application is meritorious. Accordingly, the Application is hereby granted under section 361(2) of the Criminal Procedure Act, [Cap 20, RE 2022]. The intended appeal, if any, by the Applicant, shall be filed in the Court within forty five (45) days of this ruling.



GEORGE M. MASAJU

JUDGE

9/2/2023