

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE SUB-REGISTRY OF MANYARA**

**AT BABATI**

**CRIMINAL APPEAL NO. 1639 OF 2024**

*(Originating from District Court of Mbulu in Criminal Case No. 62 of 2022)*

**DANIEL TLATLA .....APPELLANT**

**VERSUS**

**THE REPUBLIC .....RESPONDENT**

**RULING**

*21<sup>st</sup> March 2024*

**MIRINDO J:**

Daniel Tlatla was convicted and sentenced of the offences of rape and unnatural offence by the District Court of Mbulu on 10<sup>th</sup> August 2022. He duly lodged his notice of intention to appeal on 16<sup>th</sup> August 2022. His petition to appeal was received by the High Court on 19<sup>th</sup> January 2024 although according to the records of Mbulu District Court copies of proceedings and judgment were received on 16<sup>th</sup> December 2022. At the hearing of the appeal, the learned State Attorney, Ms Blandina Msawa sought the leave of the Court to raise a preliminary point of law: whether the appeal was lodged in time. She argued that since a petition of appeal must be lodged within forty-five days from the date of the



receipt of copies of proceedings and judgment in terms of section 361 (2) (b) of the Criminal Procedure Act [Cap 20 RE 2019], the present appeal, being lodged after more than a year, is time-barred. In response, Daniel argued that he did not know that he was supposed to appeal.

Having considered both arguments, it is clear that the present appeal is time-barred and is hereby struck out. If Daniel still wishes to appeal, he may apply for extension of time to appeal.

DATED at BABATI this 21<sup>st</sup> day of March 2024



**F.M. MIRINDO**

**JUDGE**

**Court:** Delivered this 21<sup>st</sup> day of March, 2024 in the presence of the Appellant and Ms Blandina Msawa, State Attorney for the Respondent. B/C: William Makori present.



**F.M. MIRINDO**

**JUDGE**

**21/3/2024**