

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA SUB REGISTRY

AT ARUSHA

MISC. CRIMINAL APPLICATION NO. 40 OF 2023

(Originating from Economic Case No. 8 of 2022 in the District Court of Longido at
Longido)

ERICK FRED GAIRO.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

14/03/2024 & 21/03/2024

NDUMBARO, J

Under the services of advocate Sylvester Kahunduka, the applicant has brought this application under the provision of section 361 (1) (a) and (2) of the Criminal Procedure Act Cap 20 R.E 2022 seeking for extension of time to file the notice of appeal out of time.

The application is supported by the applicant's affidavit where he stated that he was an accused person in Economic Case No. 8 of 2022 at the District Court of Longido at Longido where he was found guilty and convicted to serve 20 years' jail. He went on to state that after conviction, he was shifted to Arusha Prison commonly known as Kisongo where he informed the Prison Officer of his intention to file his notice of

appeal. Since he was in prison, he could not be able to make a follow up as to whether his notice of appeal had been lodged or not. He thus urged this court to grant the application.


The respondent on the other hand was represented by **Mr. Geoffrey** the learned State Attorney, and when the matter was called on for hearing, the respondent did not object the application.

I have gone through the applicant's application and on the outset I wish to state that the applicant did not sleep on his right and that his delay was beyond his control. In that regard, this application is grantable.

The applicant is to file his notice of appeal within 14 days and is also to file his appeal within 30 days from the date of receipt of the copy of this ruling respectively.

It is so ordered.




D. D. NDUMBARO
JUDGE
21/03/2024