

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA SUB REGISTRY

AT ARUSHA

MISC. CRIMINAL APPLICATION NO. 43 OF 2023

(Originating from Criminal Case No. 3 of 2023, in the District Court of Arusha at Arusha)

NDEUTO STANFORD.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

14/03/2024 & 21/03/2024

NDUMBARO, J

The applicant has brought this application under the provisions of sections 10 of the Appellate Jurisdiction Act Cap 14 R.E 2002, section 361 (1) (b) of the Criminal Procedure Act Cap 20 R.E 2019 and section 14 (1) & (2) of the Law of Limitation Act, Cap 89 R.E 2019 where the applicant is seeking for extension of time to file the notice of appeal and his appeal out of time. The application is supported by the sworn affidavit of the applicant where reasons for the delay are stated.

At the hearing of the application the applicant appeared in person unrepresented, while the respondent was represented by **Mr. Geoffrey,** learned State Attorney who did not object the application.

Powers to grant applications for extension of time are vested to the court, such powers are discretionary but needs to be exercised judicially which means that before granting prayers for extension of time the court must be satisfied that sufficient cause for the delay has been well established by the applicant.

I have gone through the applicant's application; in his affidavit he has stated that the reason for his delay was caused by his shift to Msalato Prison at Dodoma immediately after his conviction. He went on to state that after he was shifted to Msalato Prison he was unable to access legal services from the prison authority until December 2023 when he came back to Arusha and was informed that he is out of time and was advised to file this application so that he can file the notice of appeal and his appeal out of time. He concluded that his delay was beyond his control and thus urged this court to grant the application.


From the above facts deposed by the applicant, I find no reason as to why this application should not be granted as the applicant did not contribute his delay, moreover the respondent did not object the application.

Consequently, this application is allowed. Leave is granted for the applicant to file his notice of appeal within 14 days and his appeal

should also be filed 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