

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IRINGA SUB REGISTRY)

AT IRINGA

MISC. CRIMINAL APPLICATION NO. 7292 OF 2024

THOMAS IDDFORN @ SANGA..... APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

27th & 27th March, 2024.

I.C. MUGETA, J:

The applicant's uncontested prayer is for extension of time to appeal out of time. The reason for the delay in the affidavit is that upon conviction in 2019 he was taken away to an agriculture prison and the unnamed prison officer to whom he reported his intention to appeal did nothing to help him. He serves a sentence of 30 years imprisonment for attempted rape. The applicant did not attend the hearing and the prison warden from Iringa prison present reported that he is in prison at Njombe. That processes to bring him to Iringa are underway. Daniel Lyatuu for the respondent submitted that the Republic does not object the application and they do not intend to file counter affidavit. On that account, I decided to proceed with the hearing on the strength of the filed affidavit.

Considering the length of the sentence, the reason that the applicant communicated his intention to appeal while under confinement and the fact that the application is unopposed, I grant the application.

I order the intended appeal to be filed within 45 days from the date of this order.

In the affidavit the applicant states that he lodged a notice of appeal attached to the affidavit but it is not there. I am not sure if, indeed, any notice exists. In case no notice was filed, I also extend the time to do so within the above provided appeal period.

Finally, considering the period that has elapsed since his conviction without being able to appeal, I direct this order to be delivered to the applicant wherever he is by any means possible including Whats App not latter than 28/3/204.



I.C. MUGETA

JUDGE

27/3/2024

Court: Ruling delivered in the presence of Daniel Lyatuu, learned State Attorney for the respondent and in the absence of the applicant.

Sgd. I.C. MUGETA

JUDGE

27/3/2024