

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA AT ARUSHA

MISC . APPLICATION NO. 34 OF 2022

(C/f Criminal Case No. 47 of 2020 at the Resident Magistrates' Court of Arusha at Arusha)

MOHAMED HASSAN.....APPLICANT

Vs

THE REPUBLIC.....RESPONDENT

RULING

Date of last Order:1-8-2022

Date of Ruling: 9-8-2022

B.K.PHILLIP,J

The applicant herein filed this application under section 361 (2) of the Criminal Procedure Act, praying for the following orders;

- i) That this Honourable Court be pleased to grant an Order for extension for time within which to file an appeal against the judgment and sentence of the Resident magistrates' Court of Arusha at Arusha in Criminal Case No. 4 of 2020 .
- ii) Any other relief this Court may deem fit.

The application is supported by an affidavit sworn by the applicant. The learned advocate Yunis Makala appeared for the Republic. The applicant was unrepresented. When the application was called for hearing the learned State Attorney informed this Court the she was not contesting the same.

Upon being invited to submit for the application the applicant prayed to adopt the contents of his affidavit filed in support of this application and prayed this application to be granted.

The main reason for delay in filing this appeal as stated in the applicant's affidavit is that he was supplied with copy of the judgment belatedly, despite the fact that he requested to be supplied with the copies of the judgment and proceedings on the 27th October 2021. The applicant has deposed that he was convicted on 4th October 2021 and filed his notice of intention to appeal on 11th October 2022. He was supplied with the copy of the judgment and proceedings on 20th March 2022 and 4th February 2022 respectively. He annexed to his affidavit his notice of intention to appeal, a letter for request to be supplied with copies of the judgment and proceedings dated 27th October 2021.

Upon perusing the Court's records, I am satisfied that the applicant was supplied with copy of judgment and proceedings belatedly. Therefore, he has adduced good cause for the delay in filing his appeal. It is the finding of this Court that this application has merits. The applicant is hereby granted extension of time to file his appeal. The same has to be filed within thirty (30) days from the date of this Ruling.

Dated this 9th day of August 2022



A handwritten signature in black ink, appearing to read "B.K. Phillip", with a long horizontal stroke extending to the right.

B.K.PHILLIP

JUDGE.