

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA SUB REGISTRY

AT ARUSHA

MISC. CRIMINAL APPLICATION NO. 01 OF 2024

(Originating from Criminal Case No. 34 of 2020 in the Resident Magistrate Court of
Arusha at Arusha)

YOHANA GREGORY MUUNGANO.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

14/03/2024 & 21/03/2024

NDUMBARO, J

This application has been brought under the provisions of sections 10 of the Appellate Jurisdiction Act Cap 14 R.E 2000 and section 361 (1) (b) of the Criminal Procedure Act Cap 20 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 a sworn affidavit of the applicant where reasons of 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 Karatu Prison immediately after his conviction. He went on to state that he has been making follow ups since 2021 to be availed with copies of judgment and proceedings so that he could lodge his appeal but in vain. Since he now has all the requisite documents to enable him to lodge his appeal, he is praying for the grant of this application.

The above stated, I have seriously considered the fact that the applicant is in prison custody and the fact that the respondent herein has not objected the application. Under such circumstances this court finds the applicant blameless in the alleged delay. I further find no justification not to allow this application and grant the prayer sought by the applicant.

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

