

IN THE HIGH COURT OF TANZANIA
(MTWARA DISTRICT REGISTRY)

AT MTWARA

MISC. CRIMINAL APPLICATION 10 OF 2022

*(Originating from Criminal Case No. 17 OF 2021 Ruangwa District Court
at Ruangwa)*

MUSSA JUMA MMASAI.....APPLICANT

VERSUS

THE REPUBLICRESPONDENT

RULING

Muruke, J.

Musa Juma Mmasai was convicted by the District Court of Ruangwa in criminal case number 17/2021, thus sentenced to serve life imprisonment. Being dissatisfied, he intended to appeal, to this court but he found himself out of time. While in prison, he was advised by KABISA Incharge of Ruangwa Prison, that he should first file application for extension of time. Reasons for delay are elaborated at paragraph 4, 5, 6 and 7 of affidavit in support of the application. Learned State Attorney did not object, the application on account of right to be heard.

Legally, right to be heard is one of fundamental principals of natural justice, thus cannot rightly be ignored. What applicant is requesting before this court, is extension of time to file appeal for him to be heard. The right to be heard is safeguarded in the constitution. Article 13(6) (a) of the constitution provides in the Kiswahili version thus;



“(6) Kwa madhumini ya kuhakikisha usawa mbele ya sheria, mamlaka ya nchi itaweka taratibu zinazofaa au zinazo zingatia misingi kwamba;”

“(a) Wakati wa haki na wajibu wa mtu yeyote vinahitajika kufanyiwa uamuzi wa mahakama au chombo kingine kinacho husika, basi mtu huyo atakuwa na haki ya kukata rufaa au kupata nafuu nyingine ya sheria kutokana na maamuzi ya mahakama au chombo hicho kinginecho kinachohusika.”

In totality, applicant has advanced good grounds for extension sought, thus extension of time is granted. Intended *appeal* to be filed within 45 days from today.


Z. G. Muruke

Judge

11/03/2022

Ruling delivered in the presence of Ajuaye Bilishanga principal State Attorney for the respondent, and applicant in person.


Z. G. Muruke

Judge

11/03/2022

