

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF ARUSHA  
AT ARUSHA**

**CRIMINAL APPLICATION NO. 2 OF 2022**

*(Originating from Criminal Case No. 194 of 2020 in the  
District Court of Babati at Babati)*

**JACKSON JUMA..... APPLICANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**RULING**

18/5/2022 & 18/5/2022

**KAMUZORA, J.**

The Applicant preferred this application for extension of time to file the petition of appeal out of time against the decision of the District Court of Babati at Babati in Criminal Case No. 194/2020. The application was brought by way of a chamber summons under section 361(1)(2) of the Criminal Procedure Act (Cap 20 R. E R.E 2019) and was supported by the affidavit deponed by the Applicant.

The brief background of the matter is such that, the Applicant was charged of the offence of armed robbery contrary to the provision of section 287 A of the Penal Code Cap 16 R.E 2019. On 25/03/2021 the trial court found the Applicant guilty and convict him to serve a sentence imprisonment for a period of 30 years. Aggrieved by the conviction and sentence, the Applicants intend to appeal but found himself time barred hence this application for extension of time to lodge his appeal before this court.

When the matter was called for hearing the Applicant appeared in person with no any legal representation while Ms. Amina Kiango, learned State Attorney appeared for the Respondent. At the very early stage of Hearing Mr. Amina Kiango informed this court that, the republic did not intend to contest the application. The Applicant being a lay person had no further useful submission to make with regard to his application but rather prayed for his application to be granted.

This court apart from the fact that the application is uncontested did also consider the Applicants' affidavit filed in support of the chamber application. In his affidavit the Applicant listed the reasons for his delay in filing the appeal. The facts reveals that the Applicant after he was convicted by the trial court on 25/03/2021 he was supplied with the

copies of proceeding and judgment on 17/07/2021. He engaged an advocate for the purpose of preparation of his appeal but he failed to meet the requirements set by the High Court especially the time to submit his appeal and the same was due to lack of communication between the two and especially the issue of payment. After the Applicant had discovered that his appeal was not filed, he decided to lodge this current application.

I am aware that the grant or deny of the application for extension of time is well within the discretion of the court and the Court upon good cause being shown may extend time. However, I am mindful of the fact that, there is no hard and fast rule in defining what it means by the term "good cause." The power vested in the Court in extending time must be exercised judiciously, particularly when determining good cause by considering circumstances of each case.

The facts deponed by the Applicant to me sound reasonable and convincing to grant the application. It was also considered so by the Respondent's side and that is why they opted not to contest the application. On that basis, this court do hereby grant the application for extension of time for the Applicant to appeal out of time. The Applicant

is granted leave to file the appeal to this court within thirty days (30) from today.

Order accordingly,

**DATED** at **ARUSHA** this 18<sup>th</sup> day of May, 2022



A handwritten signature in blue ink, appearing to read "D.C. Kamuzora", is written over the printed name.

D.C. KAMUZORA

JUDGE