

TANZANIA / JUDGMENT

# emanuel martin and 2 others vs r 2020 tzhc 4325 7 december 2020

COURT  
TZHCDECIDED  
7 December 2020

Source: media.tanzlii.org · Research copy typeset by Esheria. Not court-issued or certified.

THE UNITED REPUBLIC OF TANZANIA JUDICIARY IN THE HIGH COURT OF TANZANIA  
(DISTRICT REGISTRY OF MBEYA) AT MBEYA CRIMINAL APPEAL NO.63 OF 2020 /From the  
Resident Magistrate's Court of Mbeya at Mbeya, Criminal Case No.91 of 2013) EMMANUEL  
MARTIN..... 1st APPLICANT BRYSON  
SANGA..... 2nd APPLICANT JOHN WAZIRI  
MWAMAHONJE..... 3rd APPLICANT

## RULING

Date of last Order: 24/11/2020 Date of Ruling: 07/12/2020 L.M. Mongella, J. The appellants applied for extension of time to file appeal out of time. The same was granted by this Court on 24/02/2020, whereby they were granted 14 days within which to file their notice of intention to appeal and the appeal. The notice was filed on 28/02/2020, which was within time. However, the petition of appeal was filed on 14/04/2020, which was way far out of time. The appellants have claimed that they delayed as they were waiting for copies of Judgment, Proceedings and Ruling which granted them extension of time. This claim however is not backed by the evidence on record, which shows that the copies of Judgment and Proceedings were availed to them on 11/03/2020 and the copy of Ruling extending time to appeal was ready for collection on 24/02/2020. The same date it was pronounced. Under the circumstances, I agree with Mr. Shindai, learned State Attorney that the appeal has been filed out of time, thus incompetent. It is thus hereby struck out. The appellants are advised to apply afresh for another extension of time to file appeal out of time if they so wish. L.M. Mongella Judge 07/12/2020

## Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

|                        |                                                                                                                                                                                                                                                                               |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ORIGINAL SOURCE</b> | <a href="https://media.tanzlii.org/media/judgment/208958/source_file/emanuel-martin-and-2-others-vs-r-2020-tzhc-4325-7-december-2020.pdf">https://media.tanzlii.org/media/judgment/208958/source_file/emanuel-martin-and-2-others-vs-r-2020-tzhc-4325-7-december-2020.pdf</a> |
| <b>CASE PAGE</b>       | <a href="https://chat.esheria.ai/case-law/tanzania/emmanuel-martin-v-the-republic-extensionoftime-tzhc-2020">https://chat.esheria.ai/case-law/tanzania/emmanuel-martin-v-the-republic-extensionoftime-tzhc-2020</a>                                                           |

Prepared on 14 October 2026 · Esheria