

TANZANIA / JUDGMENT

FOCUS PRIVA MSUYA 1

COURT
TANZLIIDECIDED
1 January 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA ARUSHA SUB REGISTRY AT
ARUSHA MISC. CRIMINAL APPLICATION NO. 9491 OF 2024 (Originating from the District Court
of Arumeru at Arumeru in Criminal Case No. 62 of 2021) FOCUS PRIVA @
MSUYA..... APPELLANT VERSUS THE
REPUBLIC..... RESPONDENT

RULING

14/08/2024 & 14/08/2024 MWENDA, J.: This is a ruling on an application for extension of time in which, the Applicant one Focus Priva @ Msuya seek to lodge a notice of appeal and appeal to this court against the decision of the District Court of Arumeru * at Arumeru in Criminal Case No. 62 of 2021 which was delivered on 28/09/2022. The application is supported by an affidavit of the applicant whereby he deponed that after he was convicted, he filed notice of appeal which got misplaced before he could file his appeal. According to his deposition, he reported the matter to the admission office who attempted to trace it to no avail. This, he said, prompted him to file this application as by then, he was already barred by time limitation. Page 1 of 3 At the hearing of this application, which was made orally, the applicant appeared in person unrepresented whilst the respondent was represented by Ms. Neema Mwijage, learned State Attorney. When he was invited to submit in support of the application, the applicant prayed to the court to have the contents of his affidavit adopted to form part of his oral submission. Otherwise, he prayed this application to be allowed. On her side, Ms. Mwijage did not oppose this application. She opined that the reasons for delay as advanced by the applicant are valid since in prison environments misplacement of documents is common. Having heard the submission from both parties this court will now determine the merit of this application. It is trite law that for the applicant to succeed in an application for extension of time he must demonstrate sufficient grounds or reasons which prevented him from filing his appeal within the period prescribed by law. See the case of FINCA (T) Ltd and Another vs. BONIFACE MWALUKISA, Civil Application No. 589/12 of 2018 (CAT at Iringa, Unreported). Page 2 of 3 In our current application, it is undisputed that the applicant is a prisoner and as per his affidavit, he filed a notice of appeal timely soon after he was convicted by the trial court. However, when he was about to file his appeal, the said notice was nowhere to be found and that is when this application was preferred. In the event, and without much ado, I conclude that in the circumstances pertaining to this matter, the Applicant has demonstrated good cause that would warrant extension of time by this court. This application is therefore

granted. The applicant is given twenty-one (21) days to file his notice and an appeal out of the prescribed time. It is so ordered. JUDGE 14/08/2024 Page 3 of 3

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Prepared on 14 October 2026 · Esheria