

TANZANIA / JUDGMENT

19981028 TZHC Dodoma

COURT
TZHCDECIDED
28 October 1998

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

IN THE HIGH COURT OF TANZANIA AT DODOMA FILED. CRIMINAL LITIGATION NO. 8/98
HABIBU RAMADHANI , APPLICANT Versus

1. SAIDI IKANDA)

2. MOHAMED OMAR) TYFIC!pQ_Nl)·f'i\l'T'S

3. · BILA.URI SAIDI SJU.}}IU) ······ .ru!.,...; , ;:,.LU 41 ,E_AKARI _SAIDI S/ill]! ~
RULING· ..MSOFFE J.: 1 The applicant unsuccessfully prosecuted the respondents in the
Primary Court at Jangalo in charge of cattle theft. :-J made a first appeal to the District
Court at Kondoa where ite lost. He is) stilJ di.satisfied and wishes to appeal to this Court. He
is howe- ver aware that he- is time barred i; appeal.ing and hence this appli.. · cation for
enlargement of tirn~ to appeal. The application is, as usual, supported by an .stffidavit duly
sworn by the applicant. In the affidavit and in his oral submissionn before this court, the
applicant is alleging that he could not appeal in time because he fell sick of chronic malaria
after the judgement of the District Court was deliveredo According to him, as a result of the
sickness, he was admitted to Churuku. Health Centre where he got no better. Thereafter his
father decided to send him to a witchdoctor who-treated him for a period of 8 months after
which he got better. After recovery from the illness he went to District Court Kondoa and
only to be told tl:.at he was late. in appealing. This application has no merit for the following
reasons:- First, the period during which the applicant claims to have been admitted in the
Health Centre is not shown. Neither is there any medical evidence to show that the applicant
was admitted to hospi- tal. One would have expected to see some medical chits showing
when exactly the applicant was admitted to and discharged from hospital. What is more, the
name of the witchdoctor is not stated, Indeed, even the name of the court clerk who
attended the applicant at the District Court is not stated& .J : 2 : Second, in his oral
aubmission to thi3 court, the applicant has admitted that although he was sick, there ware
times when he went. to Jangalo Primary Court in connection with a civil case involving him
and the 2nd .-r.espondent.If he could travel to the Primary Court, my view is that he could as
well travel to the District Court and file his Notice of appeal in time. Third, I must confess
that l have gone through the entire record. There is nothing to show from my perusal of the
record that the iritended appeal has any chances:. of success. Like the two lower courts I am
satisfied that the available evidence fell short of establishing beyond reasonable doubt that

the respondents stole the applicant's two goats. The application is dismissed. -~~ J. Ho MSOFFE (JUDGE 28/10/98 Dlivered this 28th day of October 1998 in the presence of the applicant and all the respondents. J.~E JUDGE 28/10/98 .. :- '---..--', :: :-, ... - '---...__ __

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.

ORIGINAL SOURCE	https://media.tanzlii.org/media/judgment/343837/source_file/2ba7fc17d1d65a93/19981028_TZHC_Dodoma.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/habibu-ramadhani-v-saidi-ikanda-extensionoftime-tzhc-1998

Prepared on 24 October 2026 · Esheria