

TANZANIA / JUDGMENT

ECONOMIC APPLICATION MRIMI RHOB

COURT
TANZLIIDECIDED
20 November 2024

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IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA MUSOMA SUB - REGISTRY AT
MUSOMA ECONOMIC APPLICATION NO. 000027401 OF 2024 REFERENCE NO.
202409242000027401 (Originating from Economic Case No. 13 of 2023 in the District Court of
Serengeti) BETWEEN MRIMI S/O RHOB @ KISIROCHE 1st APPLICANT
MWITA S/O MARENGO @ MTIBA..... 2nd APPLICANT VERSUS
REPUBLIC..... RESPONDENT

RULING

20th & 20th November, 2024 M, L. KOMBA, J, This is an application in respect of extension of time within which to file an appeal out of time. The application was brought by way of chamber summons preferred under section 361(2) of Criminal Procedure Act [CAP 20 R.E 2022] and is supported by an affidavit deposed by both applicants. The respondent did not file counter affidavit to contest the application. The applicants herein beseech this court to extend time from which they can appeal out of time from the decision of the District Court of Page 1 of 4 Serengeti in Economic Case No. 13 of 2023 where they were convicted and sentenced to 18 years in prison for the offence of unlawful entry into the Game Reserve, unlawful possession of weapon in Game Reserve and unlawful possession of Government Trophies contrary to the relevant provisions of the law. During the hearing of this application the applicants herein submitted that they were delayed the copy of judgment which was delivered on 17th January 2024 until they complained during the law week when they get opportunity to be visited in prison. They prayed their application to be allowed. Responding, Ms. Natujwa Bakari, State Attorney who represented the republic was of the submission that, the applicant didn't file affidavit from admission officer of the prison to prove that he delayed to file their application as they complained and that they didn't attach the notice of intention to appeal together with their application to prove that they intended to appeal since the judgment was delivered. She prayed this court to dismissed the applicants' application. Having heard the submission of both parties it's my time now to determine whether the applicants successfully have established good reason(s) sufficient to warrant this court to grant extension of time. Page 2 of 4 It has been provided that in order for one to be successful in application of this nature, he has to provide a good reason to warrant this court to extend time. Section 361 (2) of the Criminal Procedure provide that; The High Court may, for good cause, admit an appeal notwithstanding that the period of limitation prescribed in this section has elapsed. The applicants in this application complained to be delayed to be supplied

with the copy of the judgment of trial court until when they registered their complaints before the officers who visited them during the law week. Section 362 (1) of Criminal Procedure Act [CAP 20 R.E

2022) provide that when a person lodged his petition of appeal before the High Court, he should accompany it with a copy of proceedings, judgment or order he appeal against it. Thus, in the process of appeal, the copy of impugned judgment is of most important. It is of my considered opinion that, taking into consideration that the applicants are prisoners who have limited freedom and resources, the registered reason is sufficient for this court to warrant them extension of time. As of today, Judiciary of Tanzania is moving fast with development of technology, I think it is wise to give preference to the applicants who their accessibility to the technology also is limited. Page 3 of 4 It is not healthier to expect much from a prisoners whose action and movements is limited and solely depend on the empathy of the officer- in-charge of the prison. See Maneno Muyombe & Another vs Republic, Criminal Appeal No. 435 of 2016 and Buchumi Oscar vs Republic, Criminal Appeal No. 295 *B' of 2011 (both unreported). In the circumstances, it is my finding that the applicants have successfully assigned a good reason for this court to warrant them extension of time and I proceed to allow their application. The applicants herein are granted 30 days from the date of this ruling to file their appeal. It is so ordered. M. K KOMBA L. JUDGE 20th November, 2024 Page 4 of 4

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/mrimi-so-rhobi-kisiroche-v-republic-extensionoftime-tanzlil-2024>

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