

TANZANIA / JUDGMENT

robert sanganya vs republic

2023 tzca 17445 21 july 2023

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21 July 2023

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IN THE COURT OF APPEAL OF TANZANIA AT PAR ES SALAAM CRIMINAL APPLICATION NO. 59/01/2022 ROBERT SANGANYA..... APPLICANT VERSUS THE REPUBLIC..... RESPONDENT (Application for Extension of time within which to Lodge the application for Review out of time against the Judgement of the Court of Appeal of Tanzania at Dar es Salaam) (Wambali. Mwandambo and Mashaka, JJA) dated 10th February,2022 in Criminal Appeal No. 363 of 2019

RULING

20* & 21st July, 2023 MGONYA, J.A.: The application before the Court is for extension of time within which to lodge application for to review pursuant to rule 10, 48 (1) and 66 (1) (a) (c) of the Tanzania Court of Appeal Rules, 2009 (the Rules). When this matter was called for hearing today, the respondent in this case was represented by Ms. Elizabeth Muhangwa, the learner State Attorney while the applicant appeared in person unrepresented. The applicant had nothing to submit but prayed for his notice of motion and the supported affidavit for the application be adopted, considered and granted. At the outset, Ms. Muhangwa when replying to the applicant's submission, informed the Court that she prays to withdraw the counter affidavit they have filed earlier after having noted that indeed, the applicant's delay was out of his control as a prisoner. Moreover, the learned State Attorney declared not to object the application. From that prayer, the respondent's counter affidavit was withdrawn as prayed. It is from the above circumstances where the Respondent's counter affidavit has been withdrawn and the application uncontested, this Court too after being satisfied with the applicant's application, proceeds to grant the prayer for extension of time to file review under rule 10 of the Rules as prayed. Further, the applicant is hereby ordered to file his review within the period of 30 days from date of this Ruling. It is so ordered. L. E. MGONVA JUSTICE OF APPEAL Ruling delivered this 21st day of July, 2023 in the presence of the Applicant in person and Ms. Elizabeth Muhangwa, State Attorney for the Respondent/Republic is hereby certified as a true copy of the original. D. R. LYIMO DEPUTY REGISTRAR COURT OF APPEAL

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