

GOVERNMENT NOTICE NO. 429 published on 13/10/2017

**THE CRIMINAL PROCEDURE ACT
(CAP. 20)**

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NOTICE
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(Made under section 394)
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THE CRIMINAL PROCEDURE (APPROVED FORMS) NOTICE, 2017

Citation

1. This Notice may be cited as the Criminal Procedure (Approved Forms) Notice, 2017.

Approved
Forms

2. The High Court hereby approves various forms prescribed in the Schedule to this Notice to be used for purposes specified in each respective form.

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SCHEDULE
—————

CR FORM NO. 1

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE.....COURT OF.....
AT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS
.....RESPONDENT

Summons on Information of a Probable Breach of the Peace
(Section 76 and 77 of the Criminal Procedure Act)

To.....
of.....

WHEREAS it has been made to appear to me by credible information that
.....(state the substance of
the information), and that you are likely to commit a breach of the peace (or by which act
a breach of the peace will probably be occasioned), you are hereby required to attend in
person (or by a duly authorized agent) before Hon.....,
Magistrate of this court on the..... day of..... 20.... at
.....o'clock in the forenoon/afternoon to show cause why you should not be
required to enter into a bond for Tshs..... and also to
give security by the bond with sureties in the sum of Tshs each that you
will keep the peace for the term of.....

GIVEN under my HAND and the SEAL of the court this day of
.....20.....

.....
Magistrate

CR FORM NO. 2

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF
AT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS

.....RESPONDENT

Bond to Keep the Peace
(Sections 70, 74 and 80 of the Criminal Procedure Act)

WHEREAS I.....of have been called upon to enter into a bond to keep the peace for the term of..... or until the completion of the inquiry in the matter now pending in this Court, I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace during the said term or until the completion of the said inquiry, and in case of my making default therein, I hereby bind myself to forfeit to Government the sum of Tshs.....

Dated, this..... day of

Signature of the person required to execute the bond.....

Name of surety.....

Signature of surety.....

CR FORM NO. 3

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF
AT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS

.....RESPONDENT

Bond for Good Behaviour
(Sections 71, 72, 73, 74 and 80 of the Criminal Procedure Act)

WHEAREAS I, of, have been called upon to enter into a bond to be of good behaviour to the Government and all the citizens of the United Republic of Tanzania for the term of(state the period) or until the completion of the inquiry in the matter ofnow pending in this court of..... I hereby bind myself to be of good behavior to the Government and all the citizens of United Republic of Tanzania during the said term or until the completion of the said inquiry; and, in case of my making default therein, I hereby bind myself to forfeit to the Government the sum of Tshs.....

Dated, thisday of

Signature of the person required to execute the bond.....

Name of surety.....

Signature of surety.....

CR FORM NO. 4

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OFAT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS

.....RESPONDENT

Warrant of Commitment on Failure to Furnish Security to Keep the Peace
(Section 85 of the Criminal Procedure Act)

To the Officer in-charge of the Prison

at.....

WHEREAS appeared before me in person or by his authorised agent on the..... day of..... 20..... in obedience to a summons calling upon him to show cause why he should not enter into a bond for Tshs..... with one surety or two sureties each in the like sum that the said..... would keep the peace for the period of..... and whereas an order was then made requiring the said..... to enter into and find such..... furnish security, and he has failed to comply with the said order:

This is to authorise and require you to receive the said.....into your custody, together with this warrant, and to keep him safely in the said Prison until he furnish security to the court or magistrate who made the order requiring it or until when ordered to be released.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of 20.....

.....Magistrate

CR FORM NO. 5

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS

.....RESPONDENT

Warrant of Commitment on failure to furnish the security for good behaviour
(Section 85)

To the Officer in charge of the Prison at.....

WHEREAS it has been made to appear to me that
has been concealing his presence within the district ofand
that there is reason to believe that he is doing so with a view to committing a cognizable
offence ;

or

WHEREAS evidence of the general character of has
been adduced before me and recorded, from which it appears that he is an habitual
offender,

And whereas an order has been recorded stating the same and requiring the said
..... to furnish security for his good behavior for the
term of by entering into a bond with
.....sureties for Tshs..... and the
said surety for Tshs..... and the
said has
failed to comply with the said order and for such default has been adjudged imprisonment
for unless the said security be
sooner furnished ;

This is to authorise and require you to receive the said into
your custody, together with this warrant and to keep him/her safely in the

Prison, or if he is already in prison, be detained therein, for the said period of unless he shall in the meantime be lawfully ordered to be released, and to return this warrant with an endorsement certifying the manner of its execution.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of.....
.....

Judge/ Magistrate

CR FORM NO. 6

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS

.....RESPONDENT

Warrant to Discharge a Person Imprisoned on Failure to Give Security
(Section 86 of the Criminal Procedure Act)

To the Officer in charge of the Prison at.....

WHEREAS was committed to your custody under warrant of the Court, dated the..... day ofand there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community:

This is to authorize and require you forthwith to discharge the said from your custody unless he is liable to be detained for some other cause.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of 20.....

.....

Registrar

CR FORM NO. 7

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL APPLICATION NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Summons to an Accused Person
(Sections 130 and 100 of the Criminal Procedure Act)

To.....
of.....
.

WHEREAS your attendance is necessary to answer a charge of, you are hereby required to appear in person (or by Advocate, as the case may be) before this Court on the..... day of..... 20.....

Herein fail not.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of 20.....

.....

Magistrate

CR FORM NO. 8

THE UNITED REPUBLIC OF TANZANIA

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

**Order requiring production in court of person in prison
(Section 126 of the Criminal Procedure Act)**

To the Officer in charge of the Prison at.....

WHEREAS the attendance of at present confined/detained in the above-mentioned prison is required in this Court to answer to a charge of or for the purpose of (state shortly the reason for his attendance):

YOU ARE HEREBY required to produce the said before this Court on the.....day of 20..... to answer to the said charge or for the said purpose and after this court has dispensed with his further attendance, cause him to be conveyed safely back to the said prison.

And you are further required to inform the said of the contents of this order and deliver to him the attached copy thereof.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of 20.....

.....
Registrar/ Magistrate

CR FORM NO. 9

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Warrant of arrest
(Section 112 of CPA)

To.....

WHEREAS of

stands charged with the offence of

.....,

you are hereby directed to arrest the said

and to produce him before me to answer the said charge and to be dealt with according to the law.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this

day of 20.....

.....

Registrar/Magistrate

CR FORM NO. 10

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Bond and Bail-Bond after arrest under a Warrant
(Sections 124 and 151 of the Criminal Procedure Act)

I, of..... being brought before the Magistrate of..... (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of, do hereby bind myself to attend in the court on the..... day of 20.... to answer to the said charge....., and to continue so to attend until otherwise directed by the Court; and in case of my making default herein, I bind myself to forfeit to the Government the sum of Tshs.....

Dated this..... day of..... 20.....

Signature of Accused

I do hereby declare myself surety for the above-named..... of..... that he shall attend before the Court on the..... day of..... 20.... to answer to the charge on which he has been arrested/charged, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I bind myself to forfeit to the Government the sum of TShs.....

Dated, this..... day of..... 20.....

Signature of surety.....

CR FORM NO. 11

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

..... ACCUSED

Warrant of arrest for breach of bond for appearance
(Section 125 of the Criminal Procedure Act)

To.....
.....

WHEREAS.....of
..... is bound by the bond taken under the Criminal
Procedure Act to appear before this court on the.....day of..... 20... and
has not so appeared, you are hereby directed to arrest the said
and to produce him before me to be dealt with according to the law.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day
of 20.....

.....

Deputy/Registrar/ Magistrate

CR FORM NO. 12

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Remand warrant
(Sections 225 (1) of the Criminal Procedure Act)

To: The officer in-charge of the Remand prison at

WHEREAS.....has, this..... day of..... 20.....
Been charged before this court with the offence Of

THIS IS TO AUTHORIZE AND COMMAND YOU to receive the said
..... into your custody and to produce him before this court on
the.....day of.....20.... at.....in the forenoon/afternoon.

GIVEN UNDER MY HAND and the SEAL OF the court this.....day of..... 20....

.....
Magistrate

CR FORM NO. 13

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

..... ACCUSED

Removal Order
(Section 126 of the Criminal Procedure Act)

The officer in charge of Remand Prison.....

The above named person was remanded into your custody till the.....day of
..... 20.....

You are ordered to produce him before this court on the..... day
of.....20..... at..... O'clock in the forenoon/afternoon.

.....

Magistrate

CR FORM NO. 14

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE..... COURT OF
AT..... CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Memorandum of the matters agreed upon at the preliminary hearing
(Section 192(3)(4) and (6))

The following are the matters agreed upon during the preliminary hearing of this case to be matters not in dispute:

- 1. The fact that
- 1. The fact that
- 2. The fact that
- 3. The fact that
- 4. The document namely
- 5. The document namely.....
- 6. The object namely.....
- 7. The object namely

The Memorandum of the matters and contents of the document(s) have been read over and explained to the accused.

Signature of prosecutor

Date.....

Signature of Accused

Date.....

Signature of the Advocate for the Accused (if any).....

Date.....

.....

Judge/Magistrate

Date.....

CR FORM NO. 15

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE..... COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Summon for witness
(Section 142 of the Criminal Procedure Act)

Toof

WHEREAS (name of accused) has or is suspected to have committed the offence of and you have been identified by the prosecutor/accused that you are likely to give material evidence or to produce a document or other thing for the prosecution/defence:

You are hereby commanded in the name of the United Republic to appear before this court on the..... day of 20..... at o'clock in the forenoon/afternoon as a witness in the above case and not to depart without leave of the court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance, and you will further more render yourself liable to a fine not exceeding Tshs.....

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of..... 20.....

.....
Registrar/ Magistrate

This summons has been issued on the application of

Received a duplicate of this summons.....
(To be signed by person on whom summons is served)

CR FORM NO. 16

THE UNITED REPUBLIC OF TANZANIA

IN THE.....COURT OF AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Summons to witness in Prison
(Section 146 of the Criminal Procedure Act)

To the Officer in charge of the Prison at

WHEREAS a complaint has been made before this court that
(name of accused) of..... has committed the offence of
..... and it appears that
..... (name of witness) at
present confined/detained in the above-mentioned prison, is likely to give material
evidence for the prosecution/defence:

You are hereby required to produce the saidunder
your custody before this court on the..... day of.....20.... for examination
in the matter now pending before this court, and after this court has dispensed with his
further attendance, cause him to be conveyed under proper custody back to the said
prison.

And you are further required to inform the said..... of the
contents of this order and deliver to him the attached copy thereof.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this
day of.....20.....

.....
Deputy/Registrar/ Magistrate

CR FORM NO. 17

THE UNITED REPUBLIC OF TANZANIA
IN THE.....COURT OF..... AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

**Warrant of Commitment of Witness
Refusing to Answer or to Produce Document
(Section 199 of the Criminal Procedure Act)**

To the Officer In-charge.....

WHEREAS, being summoned (or brought before this court) as a witness this..... day of..... 20.... and being required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence, and duly recorded, or having been called upon to produce a document has refused to produce such document, without alleging any just excuse for such refusal, and for his refusal has been ordered to be detained in custody for..... (term of detention adjudged):

This is to authorize and require you to take the said into custody and safely to keep him/her in your custody for the period of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, or to produce the document called for from him, and on the last of the said..... days, or forthwith on such consent being known, to bring him before this court to be dealt with according to law.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of..... 20.....

.....
Deputy/Registrar/ Magistrate

CR FORM NO. 18

THE UNITED REPUBLIC OF TANZANIA
IN THE.....COURT OF..... AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

..... ACCUSED

Warrant for witness who disobeys summons
(Section 143 of the Criminal Procedure Act)

To

.....
(name and designation of the police officer or other person who is or are to execute the warrant).

WHEREAS, being summoned and properly served, within reasonable time and required to appear on the.....day of..... 20.... before this court as a witness has failed, without sufficient excuse, to appear in obedience to the summons of the court:

This is to authorise and require you to arrest the said..... (name of witness), and to bring him before the court on the.....day of..... 20.... at.....O'clock in the forenoon/afternoon.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of.....20....

.....
Deputy/Registrar/ Magistrate

CR FORM NO. 19

THE UNITED REPUBLIC OF TANZANIA

IN THE.....COURT OF..... AT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Warrant for witness in first appearance
(Section 144 of the Criminal Procedure Act)

To

.....

(name and designation of the police officer or other person who is or are to execute the warrant).

WHEREAS a complaint has been made before me that
(name and description of accused) of
(address) has (or is suspected to have) committed the offence of
(mention the offence concisely), and it appears that
(name and description of witness) of

..... (address) can give evidence concerning the said complaint, and whereas, by evidence, I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so:

This is to authorise and require you to arrest the said
(name of witness), and on the..... day of..... 20..... to bring him before this Court to be examined touching the offence complained of.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of.....20.....

.....

Registrar/Magistrate

CR FORM NO.20

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE COURT OF AT.....
CRIMINAL CASE NO.....

REPUBLIC
VRS

.....ACCUSED

Warrant of commitment for trial by High Court
(Section 246 of the Criminal Procedure Act)

To:.....

The Superintendent of the prison

.....

WHEREAS

has this..... day of..... been charged before this court with the offence
of.....and has
been committed for trial by the High Court:

THIS IS TO AUTHORIZE AND COMMAND YOU to receive the said

.....
.....

into your custody and to produce him in the High Court on the first day of the criminal
session to be holden at such other place or day as may be notified to you by an officer of
the High Court.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this.....day
of..... 20.....

.....

MAGISTRATE

CR FORM NO. 21

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE COURT OF
AT

CRIMINAL SESSIONS CASE NO.....OF.....
THE REPUBLIC
VERSUS

.....ACCUSED

Summons to assessors
(Section 255 of the Criminal Procedure Act)

To:.....
.....
.....

WHEREAS a Criminal Sessions is appointed to be held at the High Court of Tanzania at on the.....day of..... 20....you are hereby summoned to attend as an assessor at the High Court at.....o'clock in the forenoon/afternoon on the said date.

GIVEN under my HAND and the SEAL of the court this.....day of..... 20....

.....
Registrar

CR FORM NO. 22

THE UNITED REPUBLIC OF TANZANIA

IN THE.....COURT OF AT.....

CRIMINAL SESSIONS CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Detention during the President's pleasure
(Section 26(2) of the Penal Code)

To the Officer in charge of the

WHEREAS on theday of20....., accused of the offence of Murder contrary to section 196 of the Penal Code in the Criminal sessions case No..... of, who at the time of the commission of the offence was under eighteen years of age has been convicted of the offence of Murder contrary to section 196 of the Penal Code and sentenced to be detained during the President's pleasure:

This is to authorize and require you to receive the saidinto your custody in the said prison.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this day of.....20.....

.....

Registrar

CR FORM NO. 23

THE UNITED REPUBLIC OF TANZANIA

IN THE.....RT OF AT.....

CRIMINAL SESSIONS CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Authority for Detention
(Section 324 of the Criminal Procedure Act)

To the Officer in charge of the Prison at.....

IT IS HEREBY CERTIFIED that
the Accused person in criminal sessions case No...of..... has
this..... day of..... 20.... been convicted of the offence of
murder and sentence of death has been passed.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this
day of.....20.....

.....
Deputy/Registrar

CR FORM NO. 24

THE UNITED REPUBLIC OF TANZANIA

IN THE COURT OFAT.....

CRIMINAL CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Warrant of Commitment on a sentence of imprisonment
(Section 327 of the Criminal Procedure Act)

To the Officer in charge of the Prison at.....

WHEREAS on theday of 20..... accused in case No.....
of was convicted before Hon.....
Judge/Magistrate of the offence of
and was sentenced to.....

This is to authorize and require you to receive the saidinto
your custody in the said prison, together with this warrant, and thereby carry the aforesaid
sentence into execution according to law. Sentence shall run consecutively and
concurrently.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this
day of..... 20.....

.....

Deputy/Registrar/ Magistrate

CR FORM NO. 25

THE UNITED REPUBLIC OF TANZANIA
IN THE..... COURT OFAT.....

CRIMINAL SESSIONS/ CASE NO:OF

REPUBLIC
VERSUS

.....ACCUSED

Warrant for Levy of Fine
(Section 328 of the Criminal Procedure Act)

To

WHEREAS was on
the..... day of 20..... convicted of the offence of
under Section of the
and was sentenced to.....
and to pay compensation of Tshs..... with distress in default;

And whereas the said, although required to pay
the said compensation, has not paid the same or any part thereof :

This is to authorize and require you to attach any movable/immovable property
belonging to the said which may be found within
the district of..... and if within fourteen days after such
attachment the said sum shall not be paid, to sell the movable property attached or so
much thereof as shall be sufficient to satisfy the said fine and your costs, subject to
approval of this court, and return this warrant with an endorsement certifying what you
have done under it immediately upon its execution but not later than forty five days from
the date you receive it.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this
day of.....

.....
DEPUTY/REGISTRAR/ MAGISTRATE

CR FORM NO. 26

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE..... COURT OF..... AT.....
CRIMINAL SESSION/CASE NO.....OF..... 20...
THE REPUBLIC
VERSUS

Order for Conditional Discharge
(Section 326 of CPA and section 38 of the Penal Code)

WHEREAS.....
(hereinafter referred to as the offender) has this.....day of..... 20.....been
convicted by this court of.....contrary to
section.....of the

THE COURT DO HEREBY ORDER that the offender be discharged SUBJECT TO
THE CONDITION that he SHALL BE OF GOOD BEHAVIOUR and shall commit
no offence during a period of months from the date hereof AND
FURTHER that if the offender commits any offence during the period aforesaid he shall
be sentenced for the offence in respect of which this present order of discharge has been
made.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT this.....day
of..... 20..

.....
DEPUTY/REGISTRAR/MAGISTRATE

CR FORM NO. 27

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY

IN THE COURT OF.....
AT.....
CRIMINAL SESSION/CASE NO..... OF.....

THE REPUBLIC
VERSUS

..... ACCUSED

Order for Absolute Discharge
(Section 326(1) of CPA and section 38 of the Penal Code)

WHEREAS (hereinafter referred to as the offender) has this.....day of..... 20..... been convicted by this court of.....
.....
Contrary to section..... of the

THE COURT DO HEREBY ORDER THAT: the offender shall be absolutely discharged.

GIVEN under my HAND and the SEAL of the court this.....day of..... 20.....

.....
Registrar/Magistrate

..... the above named offender have received a copy of this order.

Date.....

.....
Signature of the offender

Note: One copy of the above order shall be given to the offender.

Dar es Salaam,
8th September, 2017

FERDINAND L.K. WAMBALI,
Principal Judge