

IN THE COURT OF APPEAL OF TANZANIA  
AT MWANZA

(CORAM: MUSTAFA, J.A., QMAR, J.A. And MAFIGANO, Ag. J.A.)

CRIMINAL APPEAL NO. 59 OF 1986

SADIKI MUGOZI @ SESELA KAZURA. . . . . APPELLANT

VERSUS

THE REPUBLIC. . . . . RESPONDENT

(Appeal from the conviction of the High Court  
of Tanzania at Mwanza) (Mwalusanya, J.) dated  
the 25th day of July, 1986

in

Criminal Appeal Case No. 48 of 1986  
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JUDGMENT OF THE COURT

MUSTAFA, J.A.:

The appellant was a member of a gang of robbers which broke into several rooms and attacked and robbed the inmates therein. The appellant was arrested, so was another person, but the other person escaped from custody.

During the robbery it was alleged by the witnesses who testified for the prosecution that electric light was burning. Two witnesses, F.W.3 and P.W.5, whose rooms were entered and who were robbed, testified that they had had plenty of opportunity to see and recognise the appellant, who was armed with a gun and appeared to be the leader of the gang. F.W.4, a ten cell leader, who heard shots being fired, arrived at the scene, and was shot at and injured by the appellant. P.W.4 noticed the appellant taking aim at him in the electric light.

At the trial court the magistrate found that the appellant was properly identified as one of the robber gang by P.W.3, P.W.4 and F.W.5. The trial magistrate also found that in the house of the appellant where he was arrested, certain articles stolen from F.W.5's room were found. The appellant was charged with 3 counts of robbery, and one count of unlawful wounding. The trial magistrate convicted the appellant on all four counts, and sentenced him to 12 months imprisonment on the unlawful wounding count, but sent him up to the High Court for sentence on the 3 robbery counts, as the magistrate was of the view that they were serious offences, involving armed robbery. The High Court sentenced the appellant to 15 years imprisonment on each of the robbery counts, to run concurrently.

I certify that this is a true copy of the original.



(J. H. MCSOFFE)  
DEPUTY REGISTRAR.

