

**IN THE COURT OF APPEAL OF TANZANIA
AT ZANZIBAR**

(CORAM: RUTAKANGWA,J.A., MBAROUK,J.A., And BWANA,J.A.)

CRIMINAL APPEAL NO. 115 OF 2012

DIRECTOR OF PUBLIC PROSECUTION..... APPELLANT

VERSUS

MAHMOUD ELIUS NGOSHA..... RESPONDENT

**(Appeal from the conviction and sentence issued by Hon. Abraham
Mwampashi, J. of the High Court of Zanzibar)**

**Dated the 25th day of June, 2010
in
Criminal Session Case No. 3 of 2007
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ORDER OF THE COURT

BWANA, J.A.:

When this appeal came up for hearing Mr. Mgeni Jailani Jecha, learned State Attorney did apply on behalf of the DPP (Z) to withdraw the appeal pursuant to Rule 77 (1) of the Court of Appeal Rules 2009 (the Rules). He had notified the Registrar of the Court by virtue of a Notice dated 5th December, 2012. Mr. Uhuru Hemed Khalfan, learned counsel for the respondent, had no objection.

We have no objection to the prayer either. Pursuant to the provisions of Rule 77(1) of the Rules, this appeal is deemed to have been dismissed.

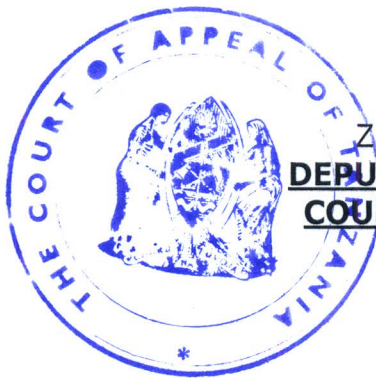
DATED at **ZANZIBAR** this 5th day of December, 2012.

E.M.K. RUTAKANGWA
JUSTICE OF APPEAL

M.S. MBAROUK
JUSTICE OF APPEAL

S.J. BWANA
JUSTICE OF APPEAL

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



A handwritten signature in blue ink, consisting of a series of loops and flourishes, positioned above the printed name of the Deputy Registrar.

Z.A. MARUMA
DEPUTY REGISTRAR
COURT OF APPEAL