

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

(CORAM: KILEO, J.A., ORIYO, J.A., And MMILLA, J.A.)

CRIMINAL APPEAL NO. 151 OF 2014

GODFREY LUCAS.....APPELLANT

VERSUS

THE REPUBLIC.....RESPONDENT

**(Appeal from the conviction and sentence of the High Court of Tanzania
at Arusha)**

(Massengi, J.)

Dated the 27th day of December, 2012

in

Criminal Appeal No. 34 of 2012

JUDGMENT OF THE COURT

(Rule 39(6) Court of Appeal Rules, 2009)

19th & 19th September, 2014

ORIYO, J.A.:

When the appeal was called on for hearing, Mr. John Matteru, learned counsel appeared for the respondent while Ms. Tamari Mdeme, learned State Attorney, represented the respondent Republic.

Having heard the submissions of the learned counsel and the learned State Attorney respectively, it is obvious that there is consensus in the submissions of parties that the appeal by Godfrey Lucas, the appellant herein, was filed with sufficient cause.

In the circumstances, having studied the record, we are in agreement with the submissions by parties that the appeal has merit. Accordingly, in terms of Rule 39 (6) of the Court of Appeal Rules, we allow the appeal by quashing the conviction and setting aside the sentence of 30 years imposed.

Further, we order that the appellant be set at liberty forthwith unless otherwise lawfully held.

Reasons for judgment to follow. We so order.

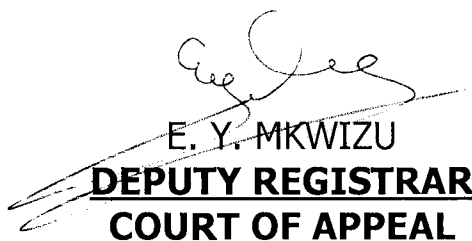
DATED at **ARUSHA** this 19th day of September, 2014.

E. A. KILEO
JUSTICE OF APPEAL

K. K. ORIYO
JUSTICE OF APPEAL

B. M. K. MMILLA
JUSTICE OF APPEAL

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


E. Y. MKWIZU
DEPUTY REGISTRAR
COURT OF APPEAL