

**IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM**

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

CRIMINAL APPEAL NO. 137 OF 2015

JULIUS MATAMA@ BABU @ MZEE MZIMA.....APPELLANT

VERSUS

THE REPUBLIC.....RESPONDENT

**(Appeal from the decision of the High Court of Tanzania
at Dar es Salaam)**

(Mwakipesile, J.)

Dated the 7th day of March, 2014

In

HC. Criminal Session Case No. 69 of 2010

JUDGMENT OF THE COURT

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

21st July 2015

KILEO, J.A.:

We have heard Mr. Gregory Lugaila, learned counsel for the appellant on the appeal. We have also heard Mr. Othmani Katuli, learned State Attorney for the respondent Republic, Mr. Katuli does not support conviction and sentence on the ground that the prosecution failed to establish the chain of custody of the gun that the appellant was alleged to have been found with and which was said to have been stolen from the deceased. We have considered the whole circumstances of the case and having done so we are settled in our minds that the appeal has merit. In

the end the appeal is allowed. Conviction entered is quashed and sentence is set aside. The appellant is to be released from custody forthwith unless he is held for some lawful cause. Reasons for our judgment will follow in a date to be notified by the Registrar.

DATED at DAR ES SALAAM this 21st day of July, 2015.

E.A. KILEO
JUSTICE OF APPEAL

B.M.K. MMILLA
JUSTICE OF APPEAL

I.H. JUMA
JUSTICE OF APPEAL

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


Z.A. MARUMA
DEPUTY REGISTRAR
COURT OF APPEAL