

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

**(CORAM: KILEO, J.A., ORIYO, J.A., And JUMA, J.A.)**

**CRIMINAL APPEAL NO. 588 OF 2015**

**NALOGWA JOHN ..... APPELLANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**(Appeal from the Judgment of the Resident Magistrate Court of Singida  
at Singida)**

**(W.E. Lema, PRM (Ext. Jurisdiction))**

**dated the 3<sup>rd</sup> day of December, 2015**

**in**

**PRM. Criminal Appeal No. 40 of 2015**

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**JUDGMENT OF THE COURT**

**Rule 39 (6)**

**KILEO, J.A.:**

After having heard both the appellant and Ms. Lina Magoma, learned State Attorney who did not support conviction, and also having considered all the circumstances of the case, we are of the settled view that the appeal is with substance. In the circumstances, in terms of Rule 39 (6) of the Court of Appeal Rules, 2009 we allow the appeal by Nalogwa John conviction entered against him is quashed and the sentence imposed is set

aside. We order his immediate release from prison unless he is therein held for lawful cause. Reasons for judgment to follow in due course.

**DATED at DODOMA** this 15<sup>th</sup> day of April, 2016.

E. A. KILEO  
**JUSTICE OF APPEAL**

K. K. ORIYO  
**JUSTICE OF APPEAL**

I. H. JUMA  
**JUSTICE OF APPEAL**

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



  
E. F. FUSSI  
**DEPUTY REGISTRAR**  
**COURT OF APPEAL**