

**IN THE COURT OF APPEAL OF TANZANIA**

**AT DODOMA**

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

**CRIMINAL APPEAL NO. 590 OF 2015**

**BIKO EMMANUEL ..... APPELLANT**

**VERSUS**

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

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

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

**dated the 4<sup>th</sup> day of December, 2015  
in  
PRM. Criminal Appeal No. 42 of 2015**

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JUDGMENT OF THE COURT  
Rule 39 (6) Court of Appeal Rules, 2009**

**KILEO, J.A.:**

At the hearing of the appeal the appellant appeared in person, unrepresented. Ms. Beatrice Nsana learned State Attorney represented the respondent Republic.

After hearing both the appellant and Ms. Nsana who supported the appeal, and after a consideration of all the circumstances of the case we are of the settled view that there is merit in the appeal by Biko Emmanuel.

In the circumstances we allow it, quash conviction and set aside the sentence imposed on the appellant. The appellant is to be released from custody forthwith unless held therein for some lawful cause. Reasons for judgment to follow in due course.

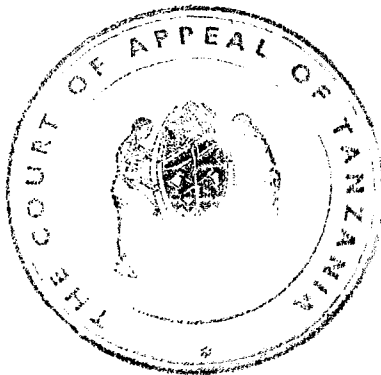
**DATED** at **DODOMA** this 18<sup>th</sup> day of April, 2016.


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**