

**IN THE COURT OF APPEAL OF TANZANIA**

**AT DODOMA**

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

**CRIMINAL APPEAL NO. 408 OF 2015**

**1. HOSEA FRANCIS@NGALA  
2. MARIA HOSEA @ ULANGA ..... APPELLANTS**

**VERSUS**

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

**(Appeal from a Judgment of the High Court of Dodoma at Dodoma)**

**(Makuru, J.)**

**dated the 24<sup>th</sup> day of June, 2015**

**in**

**Criminal Sessions Case No. 91 of 2006**

-----

**JUDGMENT OF THE COURT**

**(Rule 39 (6) of the Tanzania Court of Appeal Rules, 2009)**

5<sup>th</sup> April, 2016

**JUMA, J.A.:**

When this appeal came up for hearing before us today, Mr. Marcelino Mwamunyange, learned Senior State Attorney who appeared for the respondent/Republic informed the Court that the Republic is supporting the appeal. He urged us to quash the convictions of the two appellants for offence of murder, and set aside the sentence of the death by hanging, which the trial High Court had entered.

Reverend Kuwayawaya Stephen Kuwayawaya and Mr. Chipson Kidumange, the two learned advocates who appeared for the two appellants, joined hands with the position of the Senior State Attorney.

On our part, after reading the record of this appeal and having heard pointed and focused submissions which the three learned counsel present made, we are of the similar conclusion that this appeal should be allowed.

We shall therefore exercise our power under Rule 39(6) of the Tanzania Court of Appeal Rules, 2009 to allow the appeal, quash the conviction of the offence of murder which was entered on 24<sup>th</sup> June, 2015 and set aside the sentence of death by hanging. The two appellants shall forthwith be released from custody unless there is any other lawful cause to detain them. We reserve our reasons, which shall be delivered during this Sessions of the Court.

**DATED at DODOMA** this 5<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**