

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

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

CRIMINAL APPEAL NO. 270 OF 2015

MICHAEL NDONGWE..... APPELLANT

1. PATRICK VALERI 2. MATEO LEORNARD 3. JOHN LEONARD 4. DAUDI HIPOLITI	}	}	VERSUS RESPONDENTS
(Appeal from a Judgment of the High Court of Dodoma at Dodoma)			
(Mohamed, J.)			

dated the 28th day of April, 2015
in
Criminal Appeal No. 7 of 2013

ORDER OF THE COURT

ORIYO, J.A.:

When the appeal came up for hearing, the appellant and four respondents appeared in person without legal representation. Mr. Marcellino Mwamunyange, learned Senior State Attorney appeared as a friend of the Court upon invitation.

Before proceeding to the merits of the appeal, the Court wanted to satisfy itself whether the appeal was competently before it for a number of reasons:

- (i) *The dispute having began in Utemini Primary Court in Singida, the appeal to this Court ought to be accompanied by a certificate of the High Court that there is a point of law*

involved warranting the appeal to this Court in terms of s5(2) (c) of AJA.

- (ii) The Record of Appeal in Court had no copy of a Memorandum of Appeal.*
- (iii) The respondents confirmed of similar absence of documents in their copies of record of appeal.*

The appellant conceded that but stated that all relevant documents were with his advocate whose name was not disclosed.

Mr. Mwamunyanghe, learned Senior State Attorney, was of the opinion that in these circumstances there is no appeal before us for determination. He urged us to strike it out.

In view of the concession by the appellant that the appeal before us incomplete and therefore incompetent, we have no other option but to strike out the same as we hereby do.

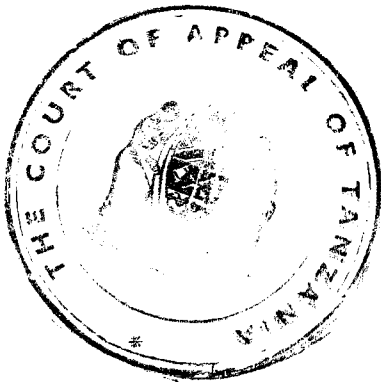
DATED at DODOMA this 8th day of April, 2016.

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