

**IN THE COURT OF APPEAL OF TANZANIA**

**AT DODOMA**

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

**CRIMINAL APPEAL NO. 592 OF 2015**

**FUNDISHA OMARY @ FUNDISHA.....APPELLANT**

**VERSUS**

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

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

**(Lema, Ext. J.)**

**dated 11<sup>th</sup> day of December, 2015**

**in**

**PRM Criminal Appeal No. 52 of 2015**

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**JUDGMENT OF THE COURT**

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

**KILEO, J.A.:**

After having heard both the appellant who appeared before us in person and Ms. Judith Mwakyusa learned State Attorney for the respondent Republic, who did not support the sentence imposed, and having considered all the circumstances of the case we are settled in our minds that the appeal was filed with sufficient cause for complaint. In the result we allow the appeal, quash the conviction entered and set aside the sentence imposed we further order an immediate release from

prison of the appellant unless he is held therein for lawful cause.

Reasons to follow in due course.

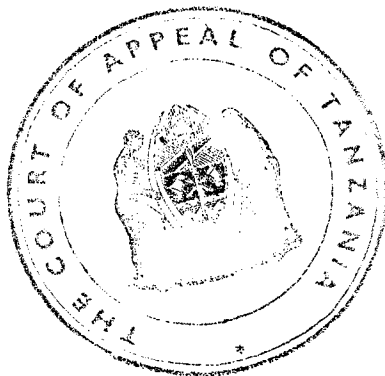
**DATED at DODOMA** this 18<sup>th</sup> day of April, 2016.

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**