

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

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

CRIMINAL APPEAL NO 597 OF 2015

**1. ZUBERI MOSES @AHUNGU
2. JOHN MESHACK
3. FESTO GODIONI NUSHURA** } **APPELLANTS**

VERSUS

THE REPUBLIC..... RESPONDENT
(Appeal from the decision of the Resident Magistrate Court of Singida at Singida)

(Lema, PRM – Ext. J.)

dated the 8th day of December, 2015)

in

PRM Criminal Appeal No. 21 of 2015

JUDGMENT OF THE COURT

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

JUMA, J.A.:

When the appeal came up for hearing before us today, Ms Chivanela Luwongo, learned State Attorney appearing for the respondent Republic rose to inform us that after reading the record of appeal and the grounds of appeal filed by the three appellants - Zuberi Moses @ AHUNGU, John Meshack and Festo Gideon Nushura, she expressed her support for the appeal and proceeded to give her detailed reasons to explain why, she is supporting this appeal and

urging us to allow the appeal and order the release of the appellants from prison.

On our part, after hearing the learned State Attorney whose position was supported by the appellants, we are of the view that this appeal was filed with good cause and is meritorious.

In the circumstances, we shall invoke our power under Rule 39(6) of the Tanzania Court of Appeal Rules, 2009 and allow the appeal. The conviction of Zuberi Moses @ Ahungu, John Meshack and Festo Gideon Nushura is hereby quashed and their sentences are hereby set aside. The appellants shall be released from custody forthwith, unless they are being held for any other lawful cause. We shall give our reasons during this current session of the Court.

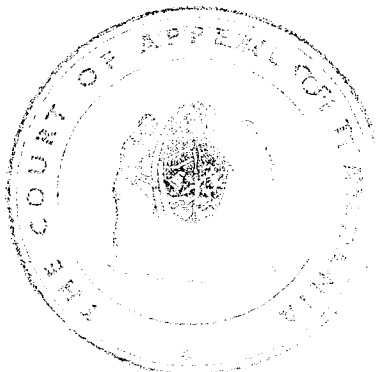
DATED at DODOMA this 20th day of April, 2016.

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