

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 11th day of December, 2015

in

PRM Criminal Appeal No. 52 of 2015

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.

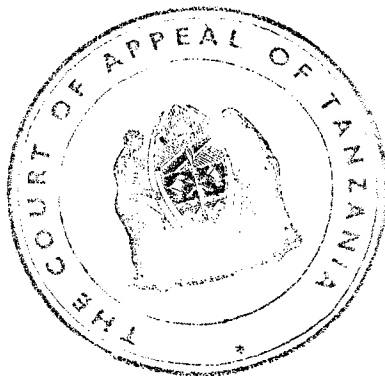
DATED at DODOMA this 18th day of April, 2016.

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