IN THE COURT OF APPEAL OF TANZANIA

AT DODOMA

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

CRIMINAL APPEAL NO. 596 OF 2015

1. **HAMISI ALLY**
2. **HAMISI ISSA**
3. **KHALID HAMIS**
4. **ABUBAKARY JUMANNE**

..... **APPELLANTS**

VERSUS

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

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

(W.E. Lema, PRM (Ext. Jurisdiction)

dated the 8th day of December, 2015
in
PRM. Criminal Appeal No. 47 of 2015

JUDGMENT OF THE COURT
Rule 39 (6) Court of Appeal Rules, 2009

KILEO, J.A.:

Having given due consideration to the grounds of appeal filed by the four appellants, having heard Ms. Chivanenda Luwongo, learned State Attorney who supported the appeal, and having considered all the circumstances of the case we have come to the settled view that the appeal was filed with good cause. In the circumstances, in terms of Rule

39 (6) of the Court of Appeal Rules, 2009 we allow the appeal by Hamisi Ally, Hamisi Issa, Kalid Hamisi and Abubakary Jumanne. Conviction entered against the appellants is quashed and sentence imposed is set aside. The appellants are to be released from custody forthwith unless they are held therein for some lawful cause.

Reasons for our judgment will be given on a date to be specified. Order accordingly.

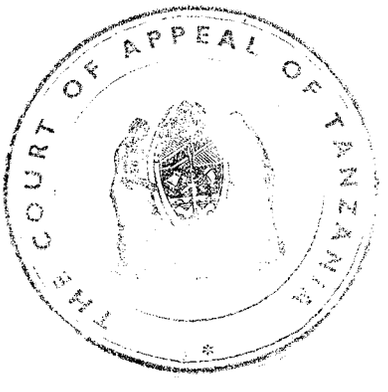
DATED at **DODOMA** this 20th day of April, 2016.

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