IN THE COURT OF APPEAL OF TANZANIA

AT KIGOMA

(CORAM: JUMA, C.J., SEHEL, J.A., And GALEBA, J.A.)

CRIMINAL APPEAL NO. 119 OF 2020

1. KAVULA s/o WILLIAM.....1ST APPELLANT
2. BENESIUS @ BUREGEA s/o KABOBOYE.....2ND APPELLANT

VERSUS

THE REPUBLIC..... RESPONDENT

(Appeal from the Judgment of the Resident Magistrate's at Kigoma (Extended Jurisdiction))

(Mushi, SRM- Ext. J.)

dated the 18th day of October, 2019
in
Criminal Sessions Case No. 4 of 2019

.....

JUDGMENT OF THE COURT

30th June & 5th July, 2021

SEHEL, J.A.:

Before the Resident Magistrate's Court of Kigoma with Extended Jurisdiction, the two appellants were found guilty and convicted of the offence of murder contrary to section 196 and 197 of the Penal Code, Cap. 16. R.E. 2002 (now R.E. 2019). They were each sentenced to suffer death by hanging. Dissatisfied with both conviction and sentence, they have appealed to this Court.

The brief facts of the case are such that, on 22nd day of December, 2014 at Itaba village within Kibondo District in Kigoma Region, the appellants together with five others, not parties to the present appeal, (Kasase Kaboboye, Wilson @ Kagoroba Kaboboye, Nashon William, Yoseki Kaboboye @ Joseph Kaboboye and Masumbuko William) jointly and together murdered one Nestory s/o Sindota (the deceased). Having denied the charge, a full trial ensued whereby the prosecution lined up four witnesses and tendered two documentary exhibits namely; the postmortem report of the deceased (Exhibit P1) and the sketch map of the scene of crime (Exhibit P2). On the defence side, the accused persons testified under oath but produced no other witnesses. However, they tendered two charge sheets and *nolle prosequi* instruments in respect of murder case no. 1 of 2015 and murder case no. 8 of 2017 (Exhibit D1 collectively).

Adam Nestory (PW1) the son of the deceased recounted that on 22nd December, 2014 while at home (Itaba village) in the kitchen with his mother one Selina Misibo (PW3), they heard someone knocking at the main gate. He went to answer it expecting to find customers for their petty commodities sold at their home only to find Masumbuko William and Thobias William armed with clubs. They asked for his father but PW1 wanted to know as to why they were looking for his father. While still conversing with them, PW3

appeared and intervened their conversation. She also wanted to know as to why they wanted to see her husband. Masumbuko replied that they wanted him to go and see what he had done to Kajoro (their relative) whom they were accusing the deceased of bewitching.

PW3 requested Masumbuko to wait a bit so that she could call his son Bahati and hamlet leader for them to come and also witness the said allegation. PW3 called Bahati but before Bahati could arrive, Masumbuko drew out a machete from his short and tried to cut PW3 on her stomach but she avoided it and fell on the bricks.

When Bahati arrived and found PW3 laying down, he wanted to know what was going on. Before he got a response, Masumbuko and Thobias held him and they started to fight. They then forced themselves through the gate and entered inside the courtyard. Another group of persons comprising of Buregea, Nashon and Kavula (the first appellant) emerged and forced themselves into the main house where the deceased was repairing the radio.

The first appellant dragged the deceased outside the courtyard and cut him with a machete on his head while Nashon and the second appellant pounded him with their fists. In trying to save his life, the deceased ran and entered into the kitchen. The deceased tried to lock himself inside the kitchen

but the appellants together with Nashon pushed the kitchen door open and continued to beat him with their fists and kicks and at the same time. The second appellant was pulling him outside the kitchen door while the deceased resisted by holding firmly onto the door frame. The second appellant then took his machete and cut the deceased on his head. The deceased helplessly fell down. Upon seeing that he was down, they declared that the job was done. The went away but left behind one of their colleague, Masumbuko William who was accidentally injured by Nashon when he was fighting with Bahati. However, within a second, they returned with a torch to confirm if the deceased was dead. After believing that he was dead, they carried Masumbuko and went away.

PW3 rushed to the village executive officer to report the incident. Ultimately, the report reached up to Nyarubogo and Mabamba police stations. The deceased was taken to Kibondo district hospital where he was admitted but on 29th December, 2014 passed away.

According to Victor Nzaro (PW2), a medical doctor at Kibondo hospital, the deceased died from severe hemorrhage and brain damage as shown in Exhibit P1.

The investigative police officer, one Assistant Inspector Hassan Ramadhani (PW4) told the trial court that the first appellant together with Nashon and Masumbuko were arrested in the midnight of 22nd December, 2014 but others could not be arrested because they fled the village. The second appellant was arrested in April, 2017 by his colleague Inspector Makala.

According to PW1, the house was fixed with four solar bulb lights each with twenty watts. The bulb was positioned at the top of the front door of the main house illuminating the courtyard, the other three bulbs were fixed in the sitting room, the parent's bedroom and the girl's bedroom. According to the sketch map (exhibit P2) the compound is comprised of three houses, the main house, a kitchen and a small house. The kitchen and the main house are opposite to each other and they were close, about 5 paces apart. The small house is at the left side and adjacent to the kitchen.

The appellants in their sworn evidence denied to have been involved in the alleged murder and they denied to know the deceased and his family members including PW1 and PW3. They said they were falsely implicated as they were previously charged with the same offence of murdering the same deceased person, one Nestory s/o Sindota whom was alleged in murder case no. 1 of 2015 to be a resident of Buyenzi village and in murder case no. 8 of

2017 a resident of kigendeka village. In addition, the appellants raised a defence of alibi. The first appellant claimed that on the material date he was under restraint of the police from 19th December, 2014 whereas the second appellant said that he was at his home.

At the conclusion of the trial, the three assessors who sat with the learned Senior Resident Magistrate with extended jurisdiction unanimously returned a verdict of guilty against the appellants on account that they were properly identified at the scene of the crime by PW1 and PW3. The learned Senior Resident Magistrate with extended jurisdiction concurred with the assessors and as a result, the appellants were found guilty and convicted as stated herein.

In grounding the convictions against the appellants, the learned Senior Resident Magistrate with extended jurisdiction found that the evidence of the prosecution witnesses was credible and reliable. He held that the death of Nestory s/o Sindota occurred on 22nd December, 2014.

As to the cause of death, the learned Senior Resident Magistrate with extended jurisdiction held that the deceased was brutally assaulted and cut with machetes twice on the head as proved by PW1 and PW3 who witnessed the deceased being assaulted and cut by the appellants and their evidence

was corroborated by that of PW2 who conducted a post-mortem examination on the deceased body. Thus, his death was due to the unnatural cause.

Regarding the link between the appellant and the deceased's death, the learned Senior Resident Magistrate with extended jurisdiction found that PW1 and PW3 were credible witnesses and there was no reason to doubt their evidence since the identifying witnesses managed to identify the appellants by the help of the solar bulb fixed at the main door and on that night there was a bright moon light. Furthermore, the appellants were neighbours to the identifying witnesses thus they were familiar to each other as PW1 said he became knowledgeable to the first appellant since 2007 when he started standard one and PW3 knew the appellants from their childhood to their adulthood. At the end, the learned Senior Resident Magistrate with extended jurisdiction was convinced with the prosecution evidence and subsequently convicted the appellants and discharged the other five accused persons.

Aggrieved, the appellants lodged two separate memoranda of appeal. They each raised six grounds of appeal which are similar in all material aspects and we take the liberty to reproduce them as hereunder: -

1. *That, the trial court with extended jurisdiction did not properly resolve the issue of the place of domicile of the deceased*

between what was testified by PW1, PW2 and PW3 and what is reflected in exhibits P1, P2 and D1 collectively.

2. *That, PW1 is on record (at pages 35, 3rd line and 36, 6th and 7th lines of the record of appeal) on the issue of torch to obtain light at the material time which contradict the testimonies of PW1 and PW3 that there was solar light and bright moonlight illuminating the scene of crime at the material time. Use of torch and bright light from solar bulb and the moon cannot co-exist.*

3. *That, the learned trial magistrate with extended jurisdiction did not address his mind to the material contradictions between PW1 and PW3 which goes to the root of identification, as raised by the defence in their final written submission such as:-*

    i) *the points from where they observed the incident. While PW1 said he observed the assault on his father from courtyard (uani) (page 32, 11th and 12th lines of the record of appeal), PW3 is on record (page 49, 3rd line of the record of appeal) that PW1 rushed to his room which was also dark and as per Exhibit P2, the sketch map.*

ii) PW3 is on record (page 46, 2nd and 11th lines of the record of appeal) that she observed the incident from inside the main house (A1 as per Exhibit P2) which is contrary to what is indicated to be her point of observation in Exhibit P2 (the sketch map) which is A3 i.e inside the bedroom of PW1. And at page 50, 19th line of the record of appeal, she is on record that they were together with PW1.

iii) PW1 and PW3 are at variance on the type of weapon held by one of the alleged assailants namely Thobias s/o William holding a club (page 31, 16th line of the record of appeal) while PW3 said Thobias William had held nothing (page 48, 20th line of the record of appeal).

iv) On the front gate being broken by the second batch of intruders, again PW1 and PW3 are at variance (page 32, 8th line for PW1 against page 49, 1st and 2nd lines of the record of appeal for PW3).

Whose material discrepancies corrodes their credibility: see ***Jaribu Abdallah v. The Republic****, Criminal Appeal No. 220 of 1999 (unreported).*

4. *That, there is a lingering cloud of doubt on the credibility of PW1 and PW3 as regards whether the appellants were properly identified, occasioned by an unsubstantiated delay in arresting the second appellant which took 28 months despite being mentioned to the police by both PW1 and PW3 and that evidence is wanting in cogency that he escaped from the village as aptly put by PW3 and PW4 since they did not mention in their respective testimonies (page 50, 1st and 2nd lines and 66, 21st line of the record of appeal) who escaped from the village while PW1 testified that there was no culprit that had escaped from the village (page 36, 16th line of the record of appeal). See* ***Juma Shabani Juma v. The Republic****, Criminal Appeal No. 168 of 2004 (unreported).*

5. *That, the learned trial magistrate with extended jurisdiction did not take cognizance of the defence of alibi put forth by the appellants in their defence which resulted in a mistrial and as consequential miscarriage of justice.*

   In the alternative,

6. *That, there was an un-improper summing up to the assessors in that the learned trial magistrate with extended jurisdiction did not refer to assessors the issues raised by the parties in their final written submissions".*

At the hearing of the appeal, Mr. Ignatus Kagashe, learned advocate appeared for the appellants whereas Mr. Fadhili Mwalongo, learned Senior State Attorney assisted by Mr. Robert Magige and Ms. Antiya Julius, both learned State Attorneys appeared for the respondent/ Republic.

When Mr. Kagashe took the floor to submit on the appeal, he informed the Court that after having discussed with his clients he would argued the first and fourth grounds of appeal separately, the second and third grounds of appeal would be argued together and he abandoned the fifth and sixth grounds of appeal.

Starting with the first ground of appeal, he submitted that the oral accounts of PW1, PW3 and PW4 concerning the place of domicile of the deceased differs with the documentary accounts of Exhibits P1 (the post-mortem report) and D1 collectively (the charge sheets and *nolle prosequi* instruments) and such contradictions were not resolved by the learned trial magistrate with extended jurisdiction. Mr. Kagashe pointed out that PW1,

PW3 and PW4 claimed that the deceased was residing at Itaba village and the murder took place at Itaba village but the post-mortem report (Exhibit P1) showed that the deceased was a resident of Kigogo village within Kibondo district. Furthermore, the charge in murder case no. 1 of 2015 alleged that the murder of the deceased occurred at Kigendeka village and the charge sheet in murder case no. 8 of 2017 alleged that the murder occurred at Buyenzi village. These contradictions, Mr. Kagashe argued, are material and they go to the root of the case which ought to be resolved in favour of the appellants. To justify his argument, he cited to us the decisions of this Court in **Msafiri Hassan Masimba v. The Republic**, Criminal Appeal No. 302 of 2015 and **Ernest Evaristo v. The Republic**, Criminal Appeal No. 177 of 2015 (both unreported).

Arguing jointly the second and third grounds of appeal, Mr. Kagashe submitted that the key identifying witnesses in this appeal are PW1 and PW3 who claimed that the area was lit with solar lights and there was a moonlight on that night, that the appellants resided in the same village and PW3 knew the appellants from their childhood, hence they are not strangers to them. However, he submitted, there are major contradictions and inconsistencies on the evidence of these two identifying witnesses (PW1 and PW3) that dented their credibility and reliability. Mr. Kagashe added that such

inconsistencies go to the root of the matter and raised doubts on whether PW1 and PW3 properly identified their assailants. He detailed the contradictions and inconsistencies as follows:

One, the evidence of PW1 materially differs with the evidence of PW3 on the point where PW1 stood to observe the incident. PW1, at page 32 line 11 of the record of appeal, testified that he was at the courtyard and at the same page at line 25 he stood at the main gate observing the appellants beating his father. Whereas PW3, at page 49 line 3 of the record of appeal, testified that when the fracas emerged Adam (PW1) run into his room and closed the door.

Furthermore, the evidence of PW3 contradicts with Exhibit P2. PW3, at page 46 lines 1 and 11 of the record of appeal, testified that she observed the incident from the main house but Exhibit P2 shows that PW3 was observing the incident from PW1's bedroom and not from the main house.

Two, PW1 and PW3 testified that they all went to the main gate after hearing the knock and by the aid of solar light they found and recognized Thobias William and Masumbuko William but the two differs on their accounts. PW1 said that both Thobias William and Masumbuko William were armed with clubs but PW3 said that Thobias William had no any weapon. It

was his submission that if the alleged source of light was sufficient and both went to answer the knock at the same time it is implausible for PW3 not to have seen the club allegedly held by Thobias William.

Three, while PW1 said, at page 32 line 8 of the record of appeal, that the second troop broke the front gate to get access to the house PW3 said, at page 49 lines 1 and 2 of the record of appeal, that it was not broken since it was left open thus the second troop smoothly gained access into their home.

Four, if the source of light was sufficient enough PW1 and PW3 could have seen the part of the body where Masumbuko was cut by Nashon but they both categorically testified that they have not seen it. They only saw blood stains on the white jackets of Bahati and Masumbuko.

According to Mr. Kagashe, on the whole, the contradictions and inconsistencies proved that the conditions for proper identification was not conducive. He argued that if the solar light was enough there was no need of the use of torch otherwise the intensity of the light illuminated from the solar bulbs were not enough. He added that the torch, solar bulbs and moon light could not co-exist.

On the fourth ground of appeal, Mr. Kagashe vehemently submitted that if the second appellant was truly identified by PW1 and PW3 and was immediately mentioned to the police there is no reason why the police took a long time to arrest him. He argued that since there is no evidence in the record suggesting that the second appellant absconded after the incident, the unexplained delay of 28 months in arresting him casts doubts on their credibility. To cement his argument, he referred us to the cases of **Alex Kapinga and 3 Others v. The Republic**, Criminal Appeal No. 252 of 2005 and **Juma Shabani v. The Republic**, Criminal Appeal No. 168 of 2004 (both unreported) where it was held that the evidence of identification of the accused persons who were not timely arrested and not proven to have escaped from the village raises doubt on the identification of the appellant.

With that submission, Mr. Kagashe prayed for the appellants' convictions to be quashed, the sentences imposed be set aside and the appellants be released from jail.

In reply, Mr. Magige did not support the appeal. He submitted that the first ground of appeal is baseless since the learned trial magistrate with extended jurisdiction adequately dealt with and resolved the issue of the deceased's domicile when he discarded exhibit D1 collectively for being irrelevant and when he held that there was a slip of the pen in exhibit P2. Mr.

Magige further submitted that the contradiction was minor and did not go to the root of matter as the main purpose of the post-mortem report is to establish the cause of death and not the place of domicile of the deceased. It was the submission of Mr. Magige that exhibit P2 sufficiently established that Nestroy s/o Sindota died from unnatural cause due to severe hemorrhage and brain damage. He distinguished the facts found in the cited case of **Msafiri Hassan Masimba** (supra) that the contradictions were on the date the incident of armed robbery took place whereas in this appeal the issue is the domicile of the deceased.

Responding to the second and third grounds of appeal, Mr. Magige argued that the identifying prosecution witnesses (PW1 and PW3) detailed in their evidence all the factors stated in the case of **Chacha Jeremiah Murimi and 3 Others v. The Republic,** Criminal Appeal No. 551 of 2015 (unreported) favouring proper identification of the appellants thus there was no possibility of mistaken identity. He submitted that both PW1 and PW3 testified that the whole incident took about 15 minutes thus the witnesses had enough time to observe the appellants. Two, both PW1 and PW3 were proximate to their assailants hence they clearly saw and identified them since the distance described by PW1 and PW3 was 5 paces. Three, the source of light was solar lights which had enough intensity as PW1 described that there

were four lights positioned at four different places, at the front door illuminating the courtyard, in the sitting room of the main house, in the parent's bedroom and in the girls' bedroom. As the incident happened in the courtyard which is an open area, Mr. Magige argued, there was no any impediment on the identifying witnesses and the place was lit enough. He further submitted that the appellants were not strangers to the identifying witnesses since PW1 and PW3 knew the appellants before as they lived in the same village. Also, PW3 knew them from their childhood and she raised the appellants in the same village.

Another factor which Mr. Magige mentioned that proved, PW1 and PW3 properly identified the appellants is their act of mentioning the appellants' names to the police immediately after the incident.

Mr. Magige acknowledged that there were minor inconsistencies in the evidence of PW1, PW3 and documentary exhibits but such inconcistencies did not affect the prosecution case as human error is inevitable due to lapse of time and given the fact that the witnesses were in a horrifying condition which impaired their precise recollection of the events. To cement his position, he referred us to our earlier decision in the case of **Dickson Elia Nsamba Shapwata and Another v. The Republic**, Criminal Appeal No. 92 of 2007 (unreported).

In addition, on the identification of the appellants, Mr. Mlekano urged us to compare the facts in the case of **Abdallah Rajabu Waziri v. The Republic**, Criminal Appeal No. 116 of 2004 (unreported) where we were satisfied that a light illuminated from a match stick was sufficient for a proper identification with the present appeal where the witnesses said the source of light that aided them to identify the appellants was solar light.

With regard to the discrepancies on the place of domicile of the deceased, Mr. Mlekano contended that the prosecution is not required to prove the place of domicile of the decease rather it had to prove the allegation appearing in the information that the murder took place at Itaba village and not the domicile of the deceased. It was his submission that the allegation was sufficiently proved by PW1, PW3 and PW4.

Lastly, Ms. Julius responded to the fourth ground of appeal that it has no merit because PW3 at page 50 of the record of appeal testified that some of their assailants ran away after the commission of the murder. Also, PW4 at page 55 of the record of appeal testified that other suspects could not be arrested in time because they ran away after the commission of the crime. On the basis of the foregoing, Ms. Julius invited us to dismiss the appeal for lack of merit.

Mr. Kagashe briefly rejoined that the inconsistencies concerning the deceased's domicile could not be a slip of the pen because it happened more than once. Regarding identification, he reiterated that since the convictions of the appellants based on identification then the contradictions were grave and went to the root of the matter. He added that had it been that the conditions for identification were favourable the inconsistencies could not have occurred.

Having duly considered the submissions of both parties and reviewed the record, we wish to start with the complaint concerning the place of domicile of the deceased. We have no doubt that the domicile of the deceased appearing in Exhibits P1 and D1 collectively is immaterial in the matters at hand. We shall endeavor to explain it. As rightly submitted by Mr. Magige, the purpose of conducting post-mortem examination and the subsequent issuance of its report is to establish the cause of death of the deceased and not the residence of the deceased as provided for under section 11 (1) of the Inquest Act, Cap. 24 R.E 2019. The section reads: -

> *"11. (1) The medical practitioner shall, upon receipt of an order under section 10 for a postmortem examination, immediately make an examination of the body, with a view to determine from it the cause of death and to and ascertain the circumstances connected*

with it, unless he procures the services of some other medical practitioner."

It follows then that the evidential value of the post-mortem report is to prove what caused the deceased's death, and not his place of domicile. It is trite law that among the ingredients establishing the offence of murder which the prosecution has to prove are that there was a death and such death was occasioned by unnatural cause.

In this appeal, the prosecution alleged in the information that there was a death of Nestory s/o Sindota which occurred on 22nd day of December, 2014 at Itaba village. In establishing that the death of the deceased occurred on the date and place mentioned in the information, the prosecution paraded PW1, PW3 and PW4 who testified that the deceased was cut with a machete by the appellants while he was at his home at Itaba village during the night of 22nd day of December, 2014.

As to the cause of death, the prosecution tendered the post-mortem report (exhibit P1) which shows that the death of the deceased was due severe hemorrhage and brain damage. According to PW2, who conducted the post-mortem confirmed that after he had examined the body of the decease he found two cut wounds, one was large which had caused brain damage to

protrude outside. With that evidence on record, we are satisfied that the deceased was cut with machete while at his home at Itaba village and he died from unnatural cause. Therefore, the ground has no merit and we dismiss it.

Turning to the second and third grounds of appeal, we agree with the counsel for the parties that the convictions of the appellants were anchored on the positive identification of the appellants. Mr. Kagashe argued that the appellants could not have been positively identified by PW1 and PW3 because their evidence is full of contradictions and inconsistencies that tainted their credibility and reliability. On our part this argument is baseless because the appellants were not strangers to the identifying witnesses. PW3 knew them since they were babies and she used to raise them. Secondly, on that very day, the fracas took about fifteen minutes. As such, PW1 and PW3 had ample time to observe the appellants who were their village mate. Thirdly, the place was illuminated with four solar bulbs of twenty watts each and in addition, there was a bright moon light. In that regard, the place had enough light for correct and proper identification of the appellants. Given the facts and the set of factors, the time spent by the identifying witnesses to observe the appellants and the conditions in which the appellants were under observation

we are settled in our mind that the appellants were positively identified by PW1 and PW3.

On the alleged inconsistencies and contradictions on the evidence of PW1 and PW3, we note that the trial court addressed the issues in sufficient detail. We, like the trial court, find that the inconsistencies in PW1's and PW3's evidence are minor. Indeed, PW1's account differs with that of PW3 as to the place where PW1 positioned himself to witness the assault of his father, but it is common knowledge that wherever there was a commotion, people tend to move from one place to another. They do not standstill. They do so either in striving to help or taking a refuge. All in all, given the surrounding circumstances, it is normal to have some discrepancies in the witnesses' accounts.

On the complaint as to why the assailants had to resort to the use of the torch if there was enough light, we find that the argument is without merit because according to the evidence on record, the torch was used by the assailants for specific purpose of satisfying themselves as to whether Nestory s/o Sindota was dead. That apart, we are satisfied that the discrepancies do not and could not vitiate the fact that the deceased was murdered by the appellants. In other words, the discrepancies do not go to the root of the matter.

It is settled law that not every contradiction or discrepancy on witness's account is fatal to the case. Minor discrepancies on details due to normal errors of observations, lapse of memory on account of passages of time, or due to mental disposition such as shock and horror at the time of occurrence of the event could be disregarded whereas fundamental discrepancies that are not expected of a normal person counts in discrediting a witness. (See the cases of **Ogawa Butunga & Another v. The Republic**, Criminal Appeal No. 121 of 2005, **Dickson Elia Nsamba Shapwata & Another** (supra), and **Luziro Sichone and Another v. The Republic**, Criminal Appeal No. 131 of 2010, and **Rasul Hemed v. The Republic**, Criminal Appeal No. 202 of 2012 (all unreported)). In the light of the position of the law, we find the inconsistencies did not corrode the evidence of PW1 and PW3. Consequently, the second and third grounds of appeal lack merit and we dismiss them.

With regard to the last ground, we agree with the learned State Attorney that the ground is without merit. We say so because PW3 at page 50 of the record of appeal testified that some of the assailants ran away after the commission of the murder. Similarly, PW4 at page 55 of the record of appeal testified that other suspects could not be arrested in time because they ran away after the commission of the crime. On that clear evidence on

record, we find that there was justifiable reason as to why the second appellant could not be arrested in time even though he was instantly reported to the police. Accordingly, the ground of appeal lacks merit and we dismiss it.

In the end, we hold that the appeal was lodged without any merit. We accordingly dismiss it in its entirety.

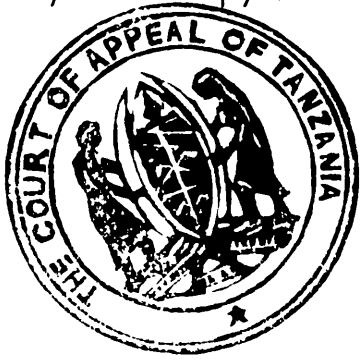
DATED at **KIGOMA** this 2nd day of July, 2021.

I.H. JUMA
CHIEF JUSTICE

B. M. A. SEHEL
JUSTICE OF APPEAL

Z. N. GALEBA
JUSTICE OF APPEAL

The Judgment delivered this 5th day of July, 2021 in the presence of Mr. Ignatusi Kagashe, learned counsel for the appellants also in the presence of the appellants via video link from Bangwe Prison and Ms. Happynes Mayunga learned State Attorney for the Respondent/Republic, is hereby certify a true copy of the Original.



E. G. MRANGU
DEPUTY REGISTRAR
COURT OF APPEAL