

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

CRIMINAL SESSIONS CASE NO. 79 CF 2006

THE REPUBLIC

VERSUS

MAKOYE s/o LUZIGA

PROCEEDINGS

High Court Session at Kahama

Date : 26/10/2006

Coram : Hon. R.E.S. Mziray, J.

Mr. Mulwambo assisted by Mr. Zacharia; State Attorney for
the Republic.

Accused(name) 1. Makoye s/o Luziga is present under custody
and represented by Mr. Kayaga, Advocate.

Interpreter Mrs. N. Changala English into Kiswahili and vice
versa.

Notice of trial on information for manslaughter contrary
to section 195 of the Penal Code was duly served on the
accused, now before the Court on 26/10/2006.

Mr. Mulwambo,

My Lord, this case is fixed for plea and Preliminary
hearing. However, there have been misplacement of briefs
as the actual briefs which are supposed to be in this
record have been misplaced and what we have in this record is
briefs for another case. The matter has already been brought
to the attention of the District Registrar who is working on it.
Under the circumstances, I pray for an adjournment.

R.E.S. MZIRAY

JUDGE

26/10/2006

Mr. Kayaga:

My Lord, I have no objection to the adjournment sought.

R.E.S. MZIRAY

JUDGE

26/10/2006

Order: Plea and Preliminary hearing on 2/11/2006. Accused further remanded in custody.

R.E.S. MZIRAY

JUDGE

26/10/2006

High Court Sessions at Kahama

Date : 7/11/2006

Coram : Hon. R.E.S. Mziray, J.

Mr. Mulwanbo assisted by Mr. Zacharia, State Attorney for
the Republic.

Accused(name) Makoye s/o Lusiga is present under custody
and represented by Mr. Kayaga, Advocate.

Interpreter Mrs. N. Changela English into Kiswahili and
vice versa.

Notice of trial on information for Manslaughter contrary
to section 196 of the Penal Code was duly served on the accused,
now before the Court on 7/11/2006.

Information is read over and explained to the accused in his
own language and he is required to plead thereto.

Plea : It is not true.

Entered as a plea of " Not guilty " to the charge.

R.E.S. MZIRAY

JUDGE

7/11/2006

Mr. Mulwambo.

My Lord, the DPP on behalf of the Republic is no longer interested to prosecute the accused in the dock. Under the circumstances I enter nolle prosequi in terms of section 91(1) of the Criminal Procedure Act, 1985.

R.E.S. MZIRAY

JUDGE

7/11/2006

Mr. Kayaga.

My Lord, I have no objection.

R.E.S. MZIRAY

JUDGE

7/11/2006

Order :

The DPP having entered nolle prosequi in terms of section 91(1) of the Criminal Procedure Act, 1985, this Court hereby discharge the accused Makoyo Luziga of the charged offence.

The accused has been informed that the discharge is not
a bar to subsequent proceedings based on the same facts.

R.E.S. MEIRAY
R.E.S. MEIRAY

JUDGE

7/11/2006