

IN THE HIGH COURT OF TANZANIA  
AT IRINGA

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APPELLATE JURISDICTION  
(Iringa Registry)

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(PC) CRIMINAL APPEAL NO. 9 OF 2012  
(From the decision of the District Court of Njombe  
District at Njombe in Criminal Appeal No. 8 of 2012  
Original Criminal Case No. 2 of 2011 of  
Wanging'ombe Primary Court)

FESTO SANGO ..... APPELLANT

VERSUS

1. ANDASON SANGO	}	..... RESPONDENT
2. MOSES SANGO		
3. OMARI SANGO		

15/8/2014 & 26/9/2014

**JUDGEMENT**

MADAM SHANGALI, J.

The appellant FESTO SANGO has filed this second appeal intending to challenge the decision of the Njombe District Court in Criminal Appeal No. 8 of 2012 originating

from Criminal Case No. 2/2011 before Wanging'ombe Primary Court.

Before Wanging'ombe Primary Court the appellant had instituted a criminal charge against the present respondents namely Andason Sango, Moses Sango and Omari Sango accusing them for trespassing into his land without permit. After a full trial, the Wanging'ombe Primary Court unanimously ruled in favour of the respondents and found that the accusations were without merits. The charge was dismissed and the respondents acquitted accordingly.

The appellant was not satisfied with that decision. He accordingly filed his first appeal before Njombe District Court vide Criminal Appeal No. 8/2012. Having perused the record of proceedings of the trial Primary Court and having considered the grounds of appeal filed by the appellant, the first appellate District Court found in favour of the respondents and dismissed the appeal accordingly.

Still disgruntled and undeterred the appellant has filed this second appeal based on two grounds of appeal namely;

1. That, the Senior Resident Magistrate erred in law by determining that the Wanging'ombe Primary Court was proper in entertaining this case with regard to pecuniary and territorial jurisdiction.