

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(ARUSHA DISTRICT REGISTRY)

AT ARUSHA

MISC CRIMINAL CONFORMATION NO. 2 OF 2018

(Originating from Kiteto D/Court in Cr. Case No. 95/2015)

REPUBLICPROSECUTOR

VERSUS

1. OMARY MOHAMED @ KUJAKA }
2. SHABANI OMARY }**ACCUSED**

Date:- 11/9/2018

Coram: I.Maige, J

Parties:- Absent. } Absent

C/C:- Mariam.

Ruling:

This matter has been brought to me for confirmation of the sentence of the District Court of Kiteto in Criminal Case No. 95/2018. In the said case, the second accused was convicted of the offence of house breaking and stealing c/s 294 and 265 and 258 of the penal Code.

He was sentenced to three years imprisonment for each of the offences, the sentences which had to run concurrently.

I have gone through the sentence and the provisions of Law relevant to this matter. I understand that the trial magistrate being not a senior Resident Magistrate in terms of section 170 (2), the proviso thereof, could have passed the sentence of three years subject to confirmation of a Judge of the High Court.

From my reading, the sentence of the trial magistrate seems to have complied with the creteia for passing of the sentence.

Accordingly therefore, the sentence of the trial court is hereby CONFIRMED.



A handwritten signature in black ink, appearing to read "I. Maige", is written over a horizontal line.

I. MAIGE

JUDGE

11/9/2018