

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(ARUSHA DISTRICT REGISTRY)
AT ARUSHA
CRIMINAL APPEAL NO. 25 OF 2018**

*(Original from Criminal Case No. 430 of 2017 in the Resident Magistrate
Court of Arusha before Hon. G. A. Mwankuga RM)*

**THE DIRECTOR OF PUBLIC PROSECUTION PLAINTIFF
VERSUS
MATHEW MOLLEL RESPONDENT**

RULING

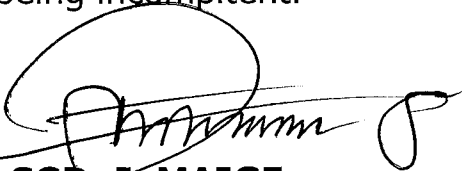
BEFORE: I. MAIGE, J

The notice Initiating the appeal is entitled "in the Resident Magistrate Court". It would have been entitled in the High Court according to section 392 of CPA.

Mr. Koisenge who appeared for the Respondent and Mr. Mwaitende for the Appellant have a concurrent view on that position.

I entirely agree with them. In view of the recent decision of the court of Appeal in **DPP Vs Sendi Wambura and others**, Criminal Appeal No. 480/2016, failure to entitle the Notice of intention to appeal by the DPP, "In the High Court", renders the Criminal Appeal fatally defective. The appeal is thus struck out for being incompetent.




**SGD: I. MAIGE
JUDGE
14/11/2018**