

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)**

AT DAR ES SALAAM

CRIMINAL APPEAL NO. 92 OF 2017

***(Originating from The District Court of Morogoro, at Morogoro
Criminal Case No. 110/2013)***

KENNY HAULE APPELLANT

VERSUS

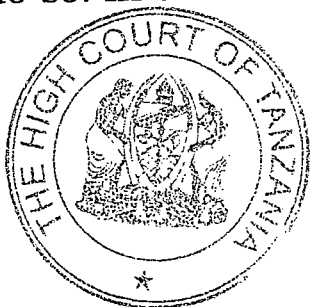
THE REPUBLIC RESPONDENT

RULING:

The appeal by the appellant Kenny Haule is incompetent because it is not supported by a valid judgment. Appellant was convicted in absentia on 11/12/2014. A warrant of arrest was issued whereby on 1/2/2017 he was arrested and on 3/2/2017 he was committed to prison. The proceedings that led to his commitment to prison are missing in the court file. The appeal filed by the appellant attaches the judgment of 11/12/2014 when his co-accused was convicted.

In that regard, the appeal which lacks the proceedings of 3/2/2017 and the order thereto to show how the appellant was dealt with by the court is incompetent.

Accordingly, the appeal which lacks a valid judgment is incompetent and it is hereby struck out. The court file is remitted back to the District Court with direction that it deals with the appellant in terms with the provisions of Section 226 of the Criminal Procedure Act, after which if appellant still desires to appeal, he could do so. In the meantime, appellant to remain in custody.



A. Munisi, J.

21/3/2018