

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

CRIMINAL APPEAL NO. 14 OF 2015

*(Originating from the Decision of Kivukoni/Kinondoni District Court in
Criminal Case No.433 of 2013 before Hon. F. Matarania, RM).*

SHARIFU JUMA ALLYAPPELLANT

VERSUS

THE REPUBLIC.....RESPONDENT

ORDER OF THE COURT

Dated 25th April 2018

SAMEJI, K. R. J

This matter was assigned to me on 7th December 2017. On 25th April 2018, when the said matter was called for hearing, the appellant appeared in his personal capacity, unrepresented and Ms. Florida Wenceslaus, the learned State Attorney appeared for the respondent, the Republic. Both parties indicated that they are ready to proceed with the hearing. Before allowing them to proceed, the Court requested them to address the Court if the matter is properly before the Court.

The appellant stated that, in 2015 he was sentenced to 30 years imprisonment. He said, after being aggrieved with the said decision he decided to appeal to this Court where his Appeal was considered before Hon. Ruhangisa, J, (as he then was) and it was dismissed. He then appealed to the Court of Appeal, where all the proceedings of the trial court and the High Court were nullified and the order for re-trial de novo was issued. The appellant said, he is required to appear before the District Court and not before this court.

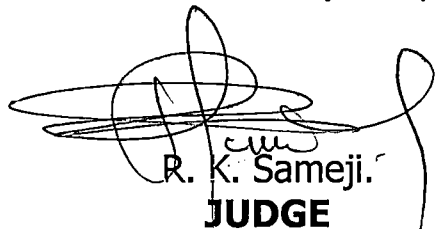
In response Ms. Florida after listening to that background noted that, as per the decision of the Court of Appeal, this matter is required to be before the District Court for hearing. She thus prayed the file to be remitted to the District Court.

It is on record that the appellant had since appeared before this Court via Criminal Appeal No. 14 of 2015. The said Appeal emanated from Kivukoni/Kinondoni District Court in Criminal Case no 433 of 2013, where the appellant was convicted and sentenced to serve 30 years imprisonment term. The Appeal before this Court was dismissed and hence, the appellant appealed to the Court of Appeal, where all the proceedings were nullified

for based on a defective charge. The Court of Appeal ordered for the matter to start afresh.

Therefore, there is no appeal before this Court. This file has been wrongly placed before me. The file should be placed before the Kinondoni District Court for retrial as ordered by the Court of Appeal. I therefore remit the file to the Kinondoni District Court to comply with the orders issued by the Court of Appeal. It is so ordered.

DATED at **DAR ES SALAAM** this 25th day of April, 2018.



R. K. Sameji.
JUDGE
25/04/2018