

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(Kigoma District Registry)

AT KIGOMA

CRIMINAL REVISION NO. 46 OF 2019

*(From Original Economic Case No. 2/2019 of the District Court of Kigoma at Kigoma
before E. Y. Baha-RM)*

JUMANNE S/O MPINI KAMBILOMBO.....APPLICANT

VERSUS

REPUBLICRESPONDENT

R U L I N G

Dated 17/10/2019 & 17/10/2019

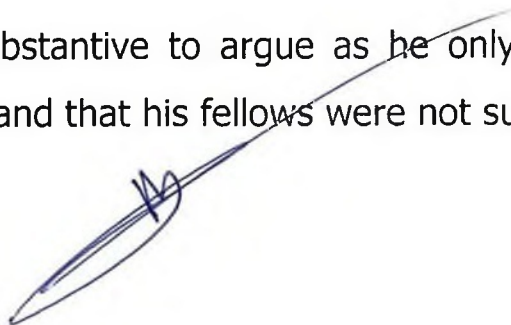
MATUMA, J.

This matter came for Revision following the complaint of the applicants that they are staying in prison for a long time.

They are indicted with several counts of unlawful possession of Government Trophy, unlawful dealing in trophies and leading organized crimes. The charges are preferred and the Wildlife Conservation Act, No. 5 of 2009 and the Economic and Organized Crimes Control Act.

At the hearing of this application only the 1st applicant was present and Mr. Raymond Kimbe learned State Attorney represented the Republic.

The applicant had nothing substantive to argue as he only lamented to have been in custody for long and that his fellows were not summoned.



Mr. Kimbe learned State Attorney explained that investigation of this matter is complete and they have already prepared information for trial of the applicants in the High Court although they are yet to file them. He added that the applicants have written a letter to DPP to seek pardon and they are about to forward it to DPP and therefore this matter be stayed.

I inquired from the applicant as to why they are not admitted to bail and he said the trial court could not as it has not received the consent and certificate of the Director of Public Prosecutions.

In the circumstances, I think it is better to give the prosecution time to complete the process for the trial of the applicants.

On the other hand, the applicants should be admitted to bail pending their trial or otherwise. I therefore admit them to bail on the following conditions:-

- (i) Each applicant to have two reliable surities who resides at his locality.**
- (ii) The surities must have introduction letters from their local leaders be it village chairman or Village Executive Officer, or Street Chairman or Mtaa Executive officer.**
- (iii) Each applicant to deposit cash bond of Tshs 11,724,500/= or in the alternative to deposit the title deed of an immovable property of an equivalent value**



and if no title deed such other proof to the satisfaction of the court of the existence of such property.

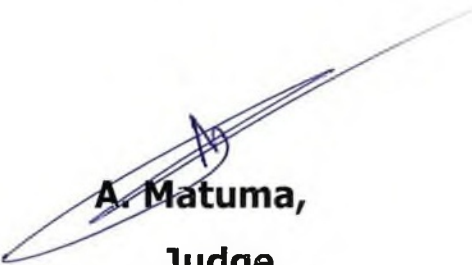
- (iv) The property so deposited as a bond shall not be sold or transferred until the full determination of the case or its withdraw.***
- (v) Each of the surities shall sign bond to the tune of Tshs. 11,724,500/=.***
- (vi) The applicants should surrender to the nearest Police Station their passports or any travelling documents if any.***
- (vii) The applicants shall not travel outside the country (abroad) without the prior written permit of the Resident Magistrate Incharge of Kigoma Resident Magistrate's Court of Kigoma.***
- (viii) The applicants to report before the Resident Magistrate's Court once in every month as shall be scheduled by the Resident Magistrate Incharge thereat.***

Having so decided, I now order an immediate return of this case file to the trial court to continue with the matter in accordance with the Law. If the applicants have surities around, the Deputy Registrar shall approve them.



And if no sureties and the file is remitted to the subordinate court then the Magistrate before whom the case is pending shall approve the surities whenever they appears without necessitating the case file to come back in the high court.

It is so ordered.

A handwritten signature in blue ink, appearing to be "A. Matuma", is written over a horizontal line.

A. Matuma,

Judge,

17/10/2019