

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(Kigoma District Registry)**

**AT KIGOMA**

**CRIMINAL REVISION NO. 9 OF 2019**

*(Original Criminal Case No. 244 of 2019 of the District Court Kibondo*

*before F. Y. MBELWA-RM)*

**BIZIMANA S/O SWAIBU.....1ST APPLICANT**

**VERSUS**

**THE REPUBLIC.....RESPONDENT**

**J U D G M E N T**

18/10/2019 & 18/10/2019

**I.C. MUGETA, J.**

The applicant complained of his trial, conviction and sentence. These revision proceedings were opened to consider the correctness, legality and propriety of the proceedings, finding and sentence of the trial court.

On the hearing date the applicant was absent with notice. Robert Magige, learned State Attorney appeared for the Republic. He submitted that no error is apparent in the record of the trial court in its proceedings, finding and sentence. He, however, suggested that the applicant being a refugee, does not deserve to be outside refugees camps, therefore, his imprisonment sentence should be substituted with order for taking him

*Mugeta*

back to the refugee camp. He had been convicted of leaving the designated area without permit therefore staying in prison and being taken care of unnecessarily burden to our Nation.

I agree. It is expensive to keep a refugee as a prisoner. While I uphold his conviction, I hereby substitute his imprisonment with an order to repatriate him to Nduta refugees camp with immediate effect.



*Mugeta*

**I.C. Mugeta,**

**Judge,**

**18/10/2019**

**Court:** Delivered in chambers before Robert Magige, State Attorney for the Respondent.

**Sgd: I.C. Mugeta,**

**Judge,**

**18/10/2019**