IN THE HIGH COURT OF TANZANIA

(DAR ES SALAAM REGISTRY REGISTRY)

AT DAR ES SALAAM

CRIMINAL APPEAL NO. 35 OF 2019

(Arising from the decision of the Resident Magistrates Court of Dar es salaam at Kisutu in Criminal Case No. 12 of 2018 dated 25th January, 2018 before Hon. H. Shaidi, **PRM**)

DIRECTOR OF PUBLIC PROSECUTIONS ..... APPELLANT

VERSUS

BONIFACE ALDO MBILINYI..... RESPONDENT

JUDGMENT

14th September & 02nd October, 2020.

E. E. KAKOLAKI J

In this appeal the appellant is challenging the decision of the Resident Magistrates Court of Dar es salaam at Kisutu dated 25/01/2018 in Criminal Case No. 12 of 2018 that granted bail to the respondent and in particular bail conditions issued by the court to the respondent. He is canvassed with four grounds of appeal going as follows:

1. That, the trial magistrate grossly erred in law and fact by admitting the Respondent to bail contrary to the mandatory requirements of section 148(5)(e) of the Criminal Procedure Act, [Cap. 20 R.E 2002].

2. That, the trial magistrate erred in law and fact when he held that since the appeal is against bail issues the main case should proceed in the subordinate court.
3. That, the trial magistrate erred in law and fact by admitting the Respondent to bail without adhering to mandatory conditions under section 148(6) of the Criminal Procedure Act, [Cap. 20 R.E 2002].
4. That, the trial magistrate erred in law and fact by holding that the amount of money i.e. United States Dollars 83,000 which is subject matter of the offence and prosecution intended exhibit be used as bond to the accused.

The applicant is therefore inviting this court to allow the appeal by setting aside the sai bail conditions set by the trial court alongside with cancellation of Respondent's bail and imposition of new bail conditions in accordance with the law.

Briefly before the Resident Magistrate Court of Dar es salaam at Kisutu, the respondent is indicted facing charges of False Declaration of Currency; Contrary to Regulation 5(1) and (5) of Anti-Money Laundering (Cross-Border Declaration of Currency and Bearer Negotiable Instruments) Regulations, 2016 read together with section 28B(1)(a) of the Anti-Money Laundering Act No. 12 of 2006 as amended by the Anti-Money Laundering (Amendment) Act No. 1 of 2012. It is prosecution's accusation as per the charge sheet that, the respondent on the 13th day of January, 2018 at Julius Nyerere International Airport within the City and Region of Dar es salaam, while leaving the United Republic of Tanzania made false declaration of the currency. That he declared to have been in possession of United States

Dollars forty thousand (USD 40,000) while in actual fact he possessed United States Dollars one hundred twenty three thousand (USD 123,000). When the charge was read over to him on the 25th January, 2018 he entered a plea of not guilty to the charge and successful sought and granted bail by the trial court as the prosecution did not object its grant apart from reminding the court to comply with the requirement of section 148(5)(e) of the CPA. Bail conditions set by the court were that, respondent should secure one surety with identity card and introductory letter. And that, as the amount of money subject of the charge was in the hands of the State/Police Financial Crime Unit, the same should serve as bond to the accused. The trial court thereafter proceeded to approve the surety one Anthony Mushi, release the respondent on bail and set the matter for preliminary hearing on the 07/02/2018. Discontented with the ruling and order of the court dated 25/01/2018 the appellant appealed to this Court equipped with four grounds as stated herein above.

When the appeal came for hearing after engaging both parties it was agreed and the court ordered the matter to be disposed by way of written submission. Filing schedule orders for submissions were thereafter issued and complied with. The appellant in this appeal is represented by Mr. Awamu Mbagwa, learned Senior State Attorney whereas the Respondent enjoys the services of Mr. Mahfudhu Mbagwa, learned advocate. As both counsels surnames are Mbagwa in this judgment I will be referring them by their first names.

While crating the judgment I noted that the notice of appeal issued by the appellant was specifically challenging the trial court's decision entered on the

25/01/2018 and not thereafter. However, the second ground of appeal raised by the appellant is challenging the trial court proceedings and decision made on the 07/02/2018. Following that concern on 30/09/2020 parties were summoned to address the court on whether it was proper for the appellant to raise a ground of appeal on the decision which was not appealed against and/or specified in the notice of appeal. On that day Ms. Estazia Wilson learned State Attorney appeared for the appellant and Mr. Mahfudhu Mbagwa was for the respondent.

Submitting on the question Ms. Wilson for the appellant was of the firm view that it was proper for the appellant to raise and argue the 2nd ground of appeal in the submission as the Notice of appeal was only issued to notify the trial court of the appellant's intention to appeal against the decision of the Court. She said what happened on the 07/02/2018 and challenged through the 2nd ground of appeal emerged after the Notice of appeal was issued but before the grounds of appeal were filed in this court. Thus it was proper to address them during the appeal as no separate notice of appeal could have been issue on them. Ms. Wilson implored the court to consider the ground and uphold the appellant's prayers as the respondent was not prejudiced anyhow.

In response Mr. Mahfudhu while admitting that the respondent might have not been prejudiced with the appellant's act of raising that ground on the decision not appeal against, was quick to observe and submit that it was improper for the appellant to include the 2nd ground of appeal in the petition of appeal. He reasoned that, grounds of appeal should always address what is being appealed against as indicated in the Notice of appeal and not to

contradict it. And that, since the appellant indicated in his Notice of appeal to challenge the decision of the trial court dated 25/01/2018 the grounds of appeal should have been restricted to that decision only. Having noted that he had not appealed against the decision of the trial court dated 07/02/2018 the best option for the appellant would be to abandon it, Mr. Mahfudhu stressed. Otherwise he invited the court to disregard the ground and consider other grounds.

To start with, there is no dispute that this appeal was preferred after the appellant had issued a Notice of appeal under and in compliance with the provisions of section 379(1)(a) of the CPA, and that it is the Notice of appeal that institutes the appeal. The provision reads:

> *379.-(1) Subject to subsection (2), no appeal under section 378 shall be entertained unless the Director of Public Prosecutions or a person acting under his instructions-*
>
> *(a)* ***has given notice of his intention to appeal to the subordinate court*** *within thirty days of the acquittal, finding, sentence or order against which he wishes to appeal and* ***the notice of appeal shall institute the appeal****; and (emphasis supplied).*

It is also incontrovertible fact that the appellant in his notice of appeal specified the decision which he was intending to appeal against. To bring to light this fact it is instructive that I reproduce the said notice in verbatim:

> *IN THE COURT OF THE RESIDENT MAGISTRATE OF DAR ES SALAAM*

AT KISUTU

CRIMINAL CASE NO. 12 OF 2018

REPUBLIC

VERSUS

BONIFACE ALDO MBILINYI

NOTICE OF INTENTION TO APPEAL

Made under section 379(1)(a) of the Criminal Procedure Act, [Cap. 20 R.E 2002]

***NOTICE IS HEREBY GIVEN**, that the Director of Public Prosecutions, being dissatisfied with the decision of the **Hon. HURUMA SHAIDI, PRM**, made on the 25th day of January, 2018, in which he granted bail in total disregard of the mandatory conditions of the law, intends to appeal to the High Court of Tanzania against the said decision.*

Dated at Dar es salaam this 26th day of January, 2018.

Sgd:

SENIOR STATE ATTORNEY

Presented for filing this 26 day of January, 2018.

Sgd:

REGISTRY OFFICER

Back to the submission by the parties, it is Ms. Wilson's submission that the notice was issued only for the purposes of informing the trial court of the

appellant's intent to contest its decision to the higher court. And that despite of the said notice referring to the decision of 25th day of January, 2018, it was proper for the appellant to include the 2nd ground challenging the trial court decision of 07/02/2018 as it resulted from the earlier decision of the trial court. With due respect to the learned State Attorney I differ with her submission that the trial court's decision of 07/02/2018 could have been covered with the notice issued on the 26/01/2018, specifically challenging the decision of 25/01/2018. As alluded earlier it's the notice that institutes the appeal. See also the case of **Mohamed Shango and 2 Others Vs. R**, Criminal Appeal No. 23 of 2012 (CAT-unreported). By lodging the notice dated 26/01/2018, the appellant instituted the appeal to this court specifically against the decision of the trial court dated 25/01/2018 and not more. Any attempt to impose grounds outside the specified intended impugned decision in my firm view is to contradict the notice of appeal itself as rightly submitted by Mr. Mahfudhu. Since the appeal before this court is against the decision of the trial court dated 25/01/2018, I hold it is improper to include the 2nd ground as it is based on the decision which is not subject of this appeal. It is from those reasons this court has decided to disregard the 2nd ground and proceed to consider the 1st, 3rd and 4th grounds of appeal.

Turning to the grounds of appeal, Mr. Awamu for the appellant prefaced his submission with a clear position of what the appellant was challenging. He said the appellant was aggrieved with the ruling of the trial court as well as its order setting out bail conditions to the Respondent. He chose to submit on each ground of appeal seriatim. Submitting on the first ground of appeal Mr. Awamu contended that, the trial magistrate grossly erred in law and fact

by admitting the Respondent to bail contrary to mandatory requirements of section 148(5)(e) of the Criminal Procedure Act, [Cap. 20 R.E 2002]. He explained the said provision restricts the Court to admit a person to bail where the offence with which he is charged with involves money or property whose value exceeds ten million shillings unless that person deposits cash to the court or other property equivalent to half of the amount or value of the actual money or property and the rest is secured by a bond.

Mr. Awamu went on state that, the amount with which the respondent stands charged with is USD 123,000, or the equivalence of Tanzania Shillings Two Hundred Forty Six Millions (Tshs. 246,000,000/=) thus exceeds ten million shillings. Despite of being reminded of the legal requirement under section 148(5)(e) of the CPA, the trial magistrate ignored the mandatory requirement of that provision and proceeded to admit the respondent to bail in blatant violation of that section, Mr. Awamu lamented. He said the law is settled that, the application of section 148(5)(e) of the CPA is mandatory as it was stated in the case of **Simon Eliezer Jengo & 3 Others Vs. Republic**, Misc. Economic Application No. 6 of 2009 (HC-unreported) and stressed in the case of **Silvester Hillu Dawi & Another Vs. Director of Public Prosecutions**, Criminal Appeal No. 250 of 2006 (CAT unreported). He therefore beseeched this court to quash and set aside the conditions imposed by the trial court in admitting the Respondent to bail and in lieu thereof impose new conditions in accordance with the law.

With regard to the third ground of appeal the appellant is faulting the trial magistrate for admitting the respondent to bail without adhering to mandatory conditions under section 148(6) of the CPA. On this Mr. Awamu

argued, the law requires submission of the travelling documents as well as restriction of movement of the accused. But to the contrary the trial magistrate failed to impose those conditions to the respondent, he complained.

On the fourth ground of appeal the appellant is faulting the trial magistrate for holding that the amount of USD 83,000 which is subject matter of the charge and prosecution's exhibit serve as bail bond to the accused. On this ground Mr. Awamu submitted that, the trial magistrate without even being moved by the respondent wrongly ordered the property involved in commission of an offence and for that matter prosecution exhibit to stand as bond for the respondent. To him that order sounded very strange as the said money was an instrumentality of crime subject to forfeiture in terms of Regulation 10(4) of the Anti-Money Laundering (Cross-Border Declaration of Currency and Bearer Negotiable Instruments) Regulations, 2016. By condoning such practice the objective of bail bond will be defeated, he submitted. He therefore prayed the court to allow the appeal.

Opposing the appeal and submitting against the first ground Mr. Mahfudhu for the respondent countered that the appellant's contention on that ground is misconceived. He said the trial magistrate at any rate could not have invoked the provisions of section 148(5)(e) of the CPA which are in parimateria with section 36(4)(e) of the Economic and Organised Crime Control Act, [Cap. 200 R.E 2002] herein referred as EOCCA which was declared unconstitutional in the case of **Prof. Dr. Costa Mahalu and Another Vs. The Hon. Attorney General**, Misc. Civil Cause No. 35 of 2007 (HC unreported). He reiterated, the principle is that two similar statutes must

be construed similarly and given the same effect as correctly stated in the case of **Antonia Zakaria Wambura and Another Versus The Republic**, Misc. Economic Cause No. 01 of 2018 (HC-unreported). That, since section 36(4)(e) of EOCCA was declared unconstitutional then to him the provisions of section 148(5)(e) of the CPA follows the suit as to hold otherwise would attract contradictions to the application of two provisions of the law, thus failure of justice.

Mr. Mahfudhu went on to argue that, the decisions referred by the appellant are distinguishable both in facts and principles as were all delivered before **Prof. Mahalu's case** had come in to precedency. He therefore invited this court to accord no weight to the appellant's contention.

Mr. Mahfudhu also controverted the appellant's contention that the respondent is charged of being found in possession of USD 123,000, instead he says, it is USD 83,000 which was not declared as the declared amount is USD 40,000.

On the third ground of appeal concerning court's adherence to the mandatory conditions set under section 148(6) of the CPA, Mr. Mahfudhu while admitting that the provision is couched in mandatory terms, quickly contended that it was impracticable for the trial court to adhere to the provisions of the law as the travel documents were in the hands of customs official. In his view the magistrate was right in not following provision to the letters.

With regard to the last ground of appeal challenging the trial court's order of using the money USD 83,000 allegedly under custody of the Government

as bail bond, he argued the same was justified. He had it that, the fact that the said money was under custody of the Government did not deprive the respondent of the right of ownership of his property. Thus he disagreed with the appellant's submission that the trial magistrate's order to that effect defeated the objectives of bail bond submitting that in the event the respondent defaults appearance still the government can fall on that money and loose nothing. With regard to the contention that the said money is an instrumentality of crime thus liable to forfeiture he said, that is a presumption aiming at pre-empting the fate of the trial as the case is yet to be heard and the respondent is presumed innocent until otherwise proved. He urged this court not to buy the argument and proceed to dismiss the appeal for want of merit.

Submitting in rejoinder to the respondent's submission Appellant's counsel on the first ground stated, the respondent's argument is misconceived for pegging on erroneous understanding of the decision in **Prof. Mahalu's case**. He said **Mahalu's case** was instituted to challenge the lone requirement of depositing cash equivalent to half of the amount involved under section 36(4)(e) of EOCCA and nothing more. In the impugned provision there was no alternative requirement for depositing property of the value equivalent to half of the value involved in the charge unlike in the CPA where it is provided. That is why the Government through the Attorney General was instructed to amend the provision and introduce the alternative requirement of depositing property in order to read similar to section 148(5)(e) of the CPA. He added that, Court's directives in **Mahalu's case** were effected through Written Laws (Miscellaneous Amendments) Act, No.

3 of 2016 to include half equivalence of the amount or value of actual money or property involved in the offence in section 36(4) (e) of EOCCA. The current position of the provision of section 36(4)(e) of EOCCA is the same as that of CPA in section 148(5)(e). And that, the requirements of section 148(5)(e) of the CPA are still valid as were not affected by **Prof. Mahalu's** decision. With regard to the amount of money the respondent is charged with, he said the charge sheet is very clear that the respondent had in possession USD 123,000.

On the respondent's submission to the third ground of appeal, it was Mr. Awamu's response that, **first**, the requirement of surrendering the passport is mandatory. And **secondly** that, there is nothing in the record to show that the said travel documents are in possession of customs officials to justify the trial magistrates act of declining to adhere to the law as counsel for the respondent would want this court to believe. He reiterated that, the trial magistrate was duty bound to comply with the law. And lastly on the submission by the respondent that, it was proper for a property used in commission of an offence to stand as security, Mr. Awamu strongly challenged it. He charged that, money as an instrumentality used in commission of an offence is potential prosecution exhibit hence could not be subjected to use as bail bond for the Respondent as doing so is in contravention of the provisions of section 148(5)(e) of CPA. In the end the appellant reiterated the prayers made earlier in his submission in chief.

Having revisited both parties' submission as well as the trial court proceedings and the impugned decision let me now turn to consider and determine the merits and demerits of the appeal. To start with the first

ground of appeal on whether the trial magistrate contravened the provisions of section 148(5)(e) of the CPA when admitting the Respondent to bail, Mr. Awamu for the appellant says he did as he was supposed to order the respondent to deposit half of the amount involved or property of the equivalent value and the rest of the amount in writing as bail bond. Mr. Mahfudhu is of the contrary view that the provision is unconstitutional as per **Prof. Mahalu's case** for being in parimateria to section 36(4)(e) of EOCCA, thus the trial magistrate was not supposed to follow it to the letters. In rejoinder the appellant submitted that, the **Mahalu's case** did not affect the provision of section 148(5)(e) of the CPA as the two provisions are not in parimateria, and more so the directives entered therein were made good through amendment Act No. 3 of 2016. Section 148(5)(e) of the CPA provides:

> *(5) A police officer in charge of a police station or a court before whom an accused person is brought or appears,* ***shall not admit that person to bail if—***
>
> *(a) N/A.*
>
> *(b) N/A.*
>
> *(c) N/A.*
>
> *(d) N/A.*
>
> *(e) the offence with which the person is charged involves actual money or property whose value exceeds ten million shillings unless that person deposits cash or other property equivalent to*

half the amount or value of actual money or property involved and the rest is secured by execution of a bond:

Provided that, where the property to be deposited is immovable, it shall be sufficient to deposit the title deed, or if the title deed is not available such other evidence as is satisfactory to the court in proof of existence of the property; save that this provision shall not apply in the case of police bail. (emphasis supplied).

And section 36(4)(e) of EOCCA states:

(4) The Court shall not admit any person to bail if-

(a) N/A

(b) N/A

(c) N/A

(d) N/A

(e) the offence for which the person is charged involves property whose value exceeds ten million shillings, unless that person pays cash deposit equivalent to half the value of the property, and the rest is secured by execution of a bond;

Looking at the two cited provisions it is clear and I agree with Mr. Awamu that the same are not in parimateria. While section 148(5)(e) of the CPA puts a requirement of depositing other property equivalent to half the amount or value of actual money or property involved the accused person apart from cash deposit, section 36(4)(e) of EOCCA talks of cash deposit only. And for that matter the two sections cannot be construed together as

per the principle in the case of **Antonia Zakaria wambura and Another** (supra). Further to that, the requirement of accused depositing property which was the subject of constitutional petition in Prof. Mahalu's case was rectified by the Government vide the amendment in Act No. 3 of 2016 which amendment was incorporated in subsection (5) of section 36 of EOCCA. It is therefore the finding of this court that at any rate the case of Prof. Mahalu did not invalidate the provisions of section 148(5)(e)of the CPA.

With regard to the compliance of section 148(5)(e) of the CPA, I am in agreement with Mr. Awamu that the same is coached in mandatory terms and for that matter must be complied with to the letters when the subject matter involved in the case exceeds ten million shillings. In this case the amount referred in the charge sheet is USD 123,000 which its equivalence exceeds ten million shillings as it is above Tshs. 246,000,000/=. The trial magistrate when setting bail conditions ought to have ordered accused person/respondent to deposit half of USD 123,000 or its equivalent in Tanzanian Shillings or the property equivalent to half of USD 123,000 and the rest of the amount be secured by execution of a bond in writing. Instead he ordered the amount of money which was in the hands of the State/Police Financial Crime Unit to stand as bond to the respondent. To let the proceedings speak I quote the court order:

> ***COURT:***
>
> *Accused person may stay out on bail with one surety holding Identity Card and Introductory letter. The amount of money in*

issue since are at the hand of the State/Police Financial Crime Unit should stand as bond to the accused.

Guided with provisions of section 148(5)(e) of the CPA and referring to the excerpt of trial court's order quoted above, it is the findings of this court that by so doing the trial magistrate misdirected himself as the amount of money or property to be deposited so as to stand as bail bond was not specified leave alone the half part. Further to that there was also no condition for execution of the rest of the amount to be by bond in writing. This ground has merit and is upheld.

With regard to the third ground of appeal whether the trial magistrate erred in law and fact to admit the respondent to bail without adhering to mandatory conditions under section 148(6) of the CPA for ordering him to surrender the passport and restrict his movement, Mr. Mahfudhu submitted that it was impracticable for the trial magistrate comply with the provision as the travel documents were in the hands of the customs officer. Mr. Awamu for the appellant is of the different view in that, there is no evidence in record to substantiate that assertion by Mr. Mahfudhu. And further that that apart, being a mandatory requirement the trial magistrate ought to have complied with. Section 148(6) of the CPA provides that:

(6) Where ***a court decides to admit an accused person to bail, it shall impose the following conditions on the bail,*** *namely-*

(a) surrender by the accused person to the police of his passport or any other travel document; and

(b) restriction of the movement of the accused to the area of the town, village or other area of his residence.

My reading of the provision forces me to agree with Mr. Awamu that the provision is coached in mandatory terms that passport or other travel documents must be surrendered as well as restriction of movements of the accused. The purpose of imposing these condition is not far from being fetched. By retaining the travel document or restricting movement of the accused the court will be assured of the appearance of the accused when needed in court and the possibility of jumping bail. In this case these mandatory conditions were not imposed by the court to the respondent. I disagree with Mr.Mahfudhu's contention that the trial court failed to impose them for the reasons that travel documents were in the hands of customs officers as the assertion lacks evidence to back it up. This ground of appeal is upheld.

On the fourth and last ground of appeal the contention is whether the trial magistrate erred in law and fact to order the money which is subject of the offence and prosecution intended exhibit to be used as bond to the respondent, Mr. Mahfudhu says he was right as the said money USD 83,000 was owned by the respondent and the respondent was still presumed innocent. Mr. Awamu is of the contrary view submitting that the money which the respondent was found in possession of as per charge sheet is USD 123,000 and that the same was an instrumentality of crime hence subject to forfeiture should conviction be secured against the respondent. Further to that, it is not known as to who moved the court to arrive to that order since

it was expected such prayer to come from the respondent Mr. Awamu queried.

It is not true as submitted by Mr. Mahfudhu that ownership of the property seized from the accused as exhibit for the purposes of being used as prosecution exhibit remains to the accused and the same can be used as bail bond. When seized its ownership temporarily shifts to the Republic until when the case is finalised as the accused is not only denied access but also the right to enjoy any benefits attached to it. The property cannot therefore be used as security to deposited and stand as bail bond since it becomes either instrumentality of the crime or prosecution exhibit as rightly submitted by Mr. Awamu. In this case the trial magistrate's act of ordering the amount of money seized from the respondent to stand as bail bond to him, I would hold as I hereby do was nothing but total misdirection on point of law. None of the parties informed the court that the said money was in the hands of the State/Police Financial Crime Unit nor is there any who moved it to order the said money to be used to secure bail bond to the respondent. Since the law requires the accused to deposit the amount of money or title worth equivalent half of the amount involved in the charge or value of the property involved, that condition ought to have been invoked by the trial court. In this case it is not even known how the security for bail could have been executed by depositing the money in court allegedly from the State/Police Financial Crime Unit. To say the least the conditions set by the court to the respondent were not executable. It follows therefore that the court order entered on the 25/01/2018 was nothing but a nullity and deserved nothing than to be quashed. This ground of appeal has merit and I uphold it.

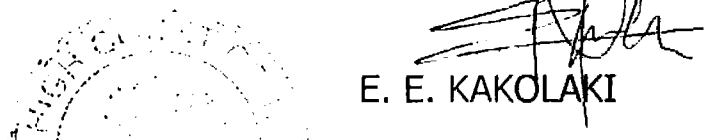
In the circumstances and for the foregoing reasons, I would hold as I hereby do that, this appeal has merit and is hereby allowed. Since the order of the trial court on respondent's bail bond has been found to be a nullity I proceed to quash the same as well as the order granting bail to the respondent and set aside all other orders thereto the result of which is to cancel the respondent's bail. Since bail application was not objected by the Republic and invoking the powers of this Court under section 149 of the CPA, I proceed to order that the respondent is admitted to bail on the following conditions:

1. The Respondent/applicant to deposit in Court cash half of USD 123,000 or its equivalent in Tanzanian Shillings (Tshs. 123,000,000/=) or the property equivalent to half of USD 123,000 or Tshs. 246,000,000/= and the rest of the amount be secured by execution of a bond in writing.
2. The Respondent/applicant to provide two reliable sureties who are to execute a bond of Tshs. 10,000,000/= each, and to satisfy the court that they are either employees of the Government or possess National Identity Card issued by NIDA with permanent residences within Dar es salaam Region.
3. The Respondent/applicant should not leave the jurisdiction of the trial court without prior permission from the Resident Magistrate.
4. The Respondent/applicant to report to the Regional Crime Officer for Ilala Special Police Region according to the schedule prescribed by him.
5. Verification of sureties and bond documents to be executed by the Resident Magistrates Court of Dar es salaam at Kisutu.

6. The Respondent/applicant to surrender his passport and any other travelling documents (if any) to the Resident Magistrates Court of Dar es salaam at Kisutu.

It is so ordered.

DATED at DAR ES SALAAM this 02nd day of October, 2020.



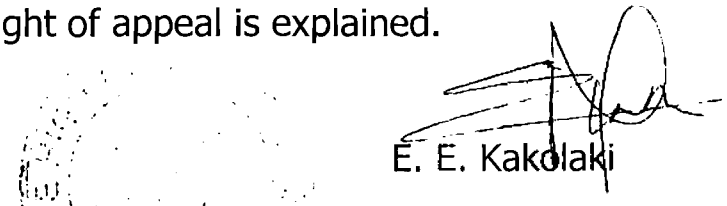
E. E. KAKOLAKI

JUDGE

02/10/2020

Delivered at Dar es Salaam this 02nd day of October, 2020 in the presence of Ms. Anastazia Wilson, State Attorney for the Appellant, the respondent, Mr. Mahfudhu Mbagwa learned advocate for the respondent and Ms. Monica Msuya, court clerk.

Right of appeal is explained.



E. E. Kakolaki

JUDGE

02/10/2020