THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
AT MBEYA
CRIMINAL APPEAL NO.116 OF 2019

(Original from Economic Crime Case No. 3 of 2018 of the District Court of Chunya District, at Chunya)

NASSIBU S/O ABUBAKAR MAZYEGA @ RAS.....APPELLANT
VERSUS
THE REPUBLIC.....RESPONDENT

JUDGMENT

10.8 & 9.11.2020
UTAMWA, J:

In this first appeal, the appellant, Nassibu s/o Abubakar Mazyega @ Ras, challenges the judgment (impugned judgment) of the District Court of Chunya District, at Chunya, (the trial court) in Economic Case No. 3 of 2018. Before the trial court, the appellant and two others stood charged with some economic offences. The two others were involved in the second count of the charge sheet and were ultimately acquitted. They are not, thus, parties to the appeal at hand.

On his part, the appellant who stood as the first accused before the trial court, faced the first count of unlawful possession of government trophy. According to the charge sheet, he was charged under what was cited as "section 86 (1), (2) (c) (iii) of the Wildlife Conservation Act, No. 5 of 2009 as amended read together with paragraph 14 of the first Schedule and section 57 (1) and 60 of the Economic and Organised Crime Act [Cap.

2002 as amended]." It was alleged that, on the 11th March, 2018, at Mbugani village within Chunya District in Mbeya Region, the appellant was found in possession of Government Trophies to wit; four pieces of elephant tusks valued at Tanzania shillings (Tshs.) 33,856,500/=, being the property of the Government of the United Republic of Tanzania, without permit.

The appellant pleaded not guilty, hence a full trial. At the end of the day however, he was convicted and sentenced to pay a fine of Tshs. 333,595,000/= or to serve twenty years in prison in case of a default to pay the fine. He is now in prison for failure to pay the fine. He was aggrieved by both the conviction and sentence, hence this appeal.

In his petition of appeal, the appellant preferred seven grounds of appeal. The grounds nevertheless, can be conveniently abridged into three as follows:

1. That, the trial magistrate erred in law and facts in convicting the appellant though the prosecution had not proved the case against him beyond reasonable doubts.
2. That, the trial magistrate erred in law and facts in convicting and sentencing the appellant by relying on the defective charge.
3. That, the trial magistrate erred in law and facts in convicting and sentencing the appellant while he was not offered a fair and expeditious trial.

Basing on the above improvised grounds of appeal, the appellant urged this court to quash and set aside the conviction and sentence. He further

urged this court to set him free. The respondent (Republic) objected the appeal.

The appeal was argued by way of written submissions. The appellant was advocated for by Mr. Ladislaus Rwekaza, learned counsel, while the respondent was represented by Mr. Davis Msanga, learned State Attorney.

Regarding the first ground of appeal, the appellant's counsel submitted that, the prosecution did not prove the charge beyond reasonable doubts for the following reasons; firstly, there was no any valuation any report which was tendered before the trial court. The witness who testified about the valuation of the trophies was unqualified/incompetent person (a game officer) instead of the Director or wildlife officer according to section 86 (4) of the Wildlife Conservation Act, No. 5 of 2009. He further submitted that, in cases involving government trophies like this, the valuation report is a prima facie evidence in establishing the offence of unlawful possession. He therefore, argued that, the omission to tender the valuation report was fatal.

Secondly, the appellant's counsel contended that, there was no expert identification to prove that, the appellant was actually found with elephant tusks. This was because, PW3 came to identify the alleged elephant tusks in Mbeya while the appellant was arrested and seizure was done at Chunya. The counsel contended further that, a proper identification of government trophies by an expert, supported by corroborating evidence, is very important. Lack of it casts doubts. To fortify his contention, he cited the case of **Yamungu Kaburu Moshi v.**

Republic, Criminal Appeal No. 56 of 2017, HCT at Dar es Salaam (unreported).

Thirdly, the appellant's counsel submitted that, the alleged seizure of the government trophy from the appellant was not proved. It was also illegal because it offended the provisions of section 38 of the Criminal Procedure Act, Cap. 20 R.E 2019. These provisions require the presence of an independent witness during seizure. He contended that, from the proceedings of the trial court the alleged seizure was conducted in the presence of police officers only, i. e PW2, PW4 and one F. 5925 D/CPL Seleman. He further submitted that, no any explanation was given before the trial court as to why there was no such independent witness during the seizure. Moreover, the counsel contended that, this omission was also fatal to the prosecution case. To substantiate his contention he re-cited the case of **Yamungu Kaburu Moshi,** (supra).

In his fourth reason, the appellant's counsel submitted that, the conviction was based on uncorroborated circumstantial evidence of PW2 and PW4. Their evidence was not sufficient to warrant the conviction. He argued further that, the testimony of the PW4 regarding their conversation (between PW4 and the appellant) was supposed to be corroborated by the recording of the communication. Equally, the testimony of PW4 that he sent the transport-money via a mobile phone of the appellant was supposed to be corroborated by an extract of M-PESA transaction (an electronic money service transaction). The lack of these pieces of corroborating evidence amounted to the failure in proving the case beyond reasonable doubts. To buttress his contention he cited the case of

Nathanael Alphonce Mapunda and Another v. Republic [2006] TLR 395. It was held in that case that, where circumstantial evidence is relied on, the principle has always been that, facts from which an inference of guilty is drawn, must be proved beyond reasonable doubt.

Additionally, the appellant's counsel attacked the prosecution evidence by arguing that, it did not prove the case beyond reasonable doubts. This was because, there was no proof on how the alleged seized trophies were kept from the date of seizure to the date they were tendered before the trial court. It was his contention that, since there was no clear chain of custody of the alleged government trophies, the exhibit PE2 (the trophies) might have been tempered with. That casts doubts which have to be resolved in favour of the appellant. The case of **David Athanas @ Makasi and Another v. Republic, Criminal Appeal No. 168 of 2017 CAT Dar es Salaam** (unreported) was cited to support the position of the law so highlighted.

Moreover, the appellant's counsel submitted on the 2nd ground and third ground cumulatively. He argued that, the trial magistrate erred in law and facts in convicting and sentencing the appellant basing on the defective charge. He contended that, the charge sheet was defective since it did not properly state the laws under which the crime at issue was created. He submitted further that, the charge sheet against the appellant mentioned the Wildlife Conservation Act No. 5 of 2009 as amended, without fully citing the said amendment Act. It also mentioned paragraph 14 of the first schedule of the law without clearly/ specifically citing what such law is. Not only that, but he also submitted that, in our laws there is

no Cap. 2002. Even if the prosecution had in mind Cap. 200, it ought to have specified the subsection of the section 60 under which the charge was based, but it did not do so.

Furthermore, he contended that, the aforesaid omissions prejudiced the appellant and occasioned a failure of justice on his part. This is because, the same denied him the right to fair trial. Additionally, he argued that, since the charge sheet did not effectively cite the law as demonstrated above, the appellant was not able to prepare his defence as per the requirement of section 135 (a) (ii) of the Criminal Procedure Act Cap. 20 R.E 2002 (Now R.E 2019) hereinafter called the CPA. The provisions mandatorily require the statement of offence in a charge sheet to contain a reference to the section of the enactment under which the accused is charged. To fortify his contention he cited a number of precedents including decisions by the Court of Appeal of Tanzania (CAT) in the cases of **David Athanas** (supra) and **Charles Jonathan v. Republic, Criminal Appeal No. 229 of 2015 [2017] TLS LR, Page 351.**

In his replying submissions regarding the first ground of appeal, the learned State Attorney for the respondent submitted that, the prosecution proved the case to the required standard by parading four witnesses, to wit PW1, (Greyson Mgoi an independent witness), PW2 (Inspector Joram Magova) who accompanied the purported buyer (PW4) and managed to arrest the appellant in possession of the elephant tusks, PW3 (Judica Hans Kibona) who identified and evaluated the same and the PW4 (D/CPL Muyenjwa). He thus, argued that, the evidence adduced by the prosecution

witnesses was direct evidence since the appellant was found in possession of the government trophies.

About the issue of chain of custody of the trophies at issue, the learned State Attorney for the respondent, submitted that, not in all cases a broken chain of custody of an exhibit can lead to a tempering of the exhibit. To substantiate his contention, he cited the case of **Issa Hassan Uki v. Republic, Criminal Appeal 129 of 2017 CAT at Mtwara** (unreported). It was his further contention that, in this case, the goods involved in the charge sheet could not be easily tempered with.

On the second and third grounds of appeal, the learned State Attorney submitted that, though it is true that the omissions complained of by the appellant and his counsel existed, the same did not occasion any injustice. This was because, the particulars of the offence in the charge sheet were clear to the appellant for purposes of understanding the nature of the offence he was facing. That is why he managed to cross-examine the prosecution witnesses and finally he properly made his case.

It must also be noted at this juncture that, when this court posed to compose its judgment upon considering the submissions by both sides of the case, it noticed some issues which had not been addressed by the parties. The court therefore, re-opened the proceedings and ordered the parties to address it on the issues raised by it *suo motu*. The aim for re-opening the proceedings was to give to the parties the right to be heard on those issues. This was also a means for promoting fair trial. The re-opening of the proceedings was based on the guidance of the CAT in the cases of

Zaid Sozy Mziba v. Director of Broadcasting, Radio Tanzania Dar es salaam and another, CAT Civil Appeal No. 4 of 2001, at Mwanza (unreported) and **Pan Construction Company and Another v. Chawe Transport Import and Export Co. Ltd, Civil Reference No. 20 of 2006, CAT at Dar es Salaam** (unreported). These precedents guide that, where a court is composing a verdict and raises (*suo motu*) an issue that was not addressed by the parties, it is enjoined to re-open the proceedings and invite the parties to address it on that new issue before determining it.

In this judgment thus, I will consider the grounds of appeal preferred by the appellant together with the issues raised by the court suo mottu as addressed by the parties.

The issues raised by court and addressed by the parties were as follows:

i. Whether or not the trial court considered the appellant's defence evidence in making the impugned judgment.
ii. If the answer in the first issue will be affirmative, then whether or not the trial court properly did so.
iii. In case the answers in the two preceding issues or any of them will be negative, then what is the legal effect of the omission?
iv. Depending on the answers to the above issues, which orders should this court make under the circumstances of the case?

When submitting for the issues raised by the court, the appellant's counsel essentially argued that, the trial court neither considered nor evaluated the evidence adduced by the appellant. This was against the

principle of natural justice especially the right to be heard. He thus, argued that, the omission prejudiced the appellant. This court should thus, nullify the judgment, quash the conviction, set aside the sentence and set the appellant free.

On his part, the learned State Attorney for the respondent conceded that, in fact, the trial court neither evaluated nor considered the defence evidence by the appellant. Nonetheless, he urged this court to step into the shoes of the trial court, evaluate, consider the defence evidence and reach into a justice decision. He based his argument on the fact that, this is the first appellate court which is obliged to so. He cited the cases of **Leonard Mwanashoka v. Republic, Criminal Appeal No. 226 of 2014, CAT at Bukoba** (unreported) and **Prince Charles Junior v. Republic, Criminal Appeal No. 250 of 2014, CAT at Mbeya** (unreported) to cement his reported.

I have considered the grounds of appeal, the submissions by the parties, the record of the lower court and the law. In deciding this appeal, I opt to firstly consider the second and third improvised grounds of appeal cumulatively. These grounds relate to the claimed impropriety of the charge sheet against the appellant. The appellant's counsel also contends that, the defect in the charge sheet denied the appellant a fair trial. I will deal with the second and third grounds cumulatively because they are interrelated according to the arguments of the appellant's counsel. In case I will dismiss them, I will test the first ground of appeal and the issues raised by the court *suo motu*. However, if I will uphold the second and third grounds of appeal, I will make necessary orders according to law.

This adjudication plan is based on the understanding that, in criminal justice, a charge sheet is the foundation of any trial; see the emphasis by the CAT in the case of **Elisha Mussa v. Republic, Criminal Appeal No. 282 of 2016, CAT at Tabora** (unreported). All other matters in this appeal therefore, according to the anatomy of the petition of appeal, will depend on the finding regarding the second and third grounds of appeal.

Now, on the second and third grounds of appeal, the common and major issue is whether or not the charge against the appellant before the trial court prejudiced the appellant for being incurably defective. In my view, the law is trite and clear that, every charge sheet must have two major parts, namely "the statement of the offence" and "the particulars of the offence." The statement of the offence describes the offence shortly in ordinary language. If the offence charged is one created by an enactment, it shall contain a reference to the section of the enactment creating the offence. The particulars of the offence must be set out in ordinary language, and must have the required particulars of the crime at issue. These are requirements set under section 135 (a) (i) – (iii) of the CPA as underscored in the case of **Juma Mohamed v. Republic, Criminal Appeal No. 272 of 2011, CAT at Arusha** (unreported).

Case law has further elaborated the requirements for a proper charge sheet. In the case of **Athuman Juma and 4 others v. Republic, Criminal Appeal No. 37 of 2009, CAT at Tabora** (unreported) for example, the CAT guided thus: the particulars of the offence in a charge sheet must contain such particulars as may be necessary for giving reasonable information as to the nature of the offence charged. They shall

disclose the essential elements of the offence. They must thus, allege the essential facts of the offence and any intent specifically required by the law in order to give the accused a fair trial and enable him to prepare his defence effectively. These requirements are hinged on the basic rule of criminal law and evidence that, the prosecution has to prove that, the accused committed the *actus reus* of the offence with the necessary *mens rea*. In deciding the **Athuman case** (supra), the CAT followed its previous decision in **Isidori Patrice v. Republic, Criminal Appeal No. 224 of 2007** (unreported).

To cement the legal requirement underscored above, this court (Maina, J. as he then was), also properly underscored in **Samson Kayora and another v. Republic [1985] TLR 158** that, a charge that does not disclose an important ingredient of the offence charged cannot support any conviction. Furthermore, in the case of **Musa Mwaikunda v. Republic [2006] TLR 386** the CAT observed that, it is always a legal requirement that, an accused person must know the nature of the case facing him. This can be achieved only if the charge sheet discloses the essential elements of the offence charged.

In the case at hand, there is no any complaint against the particulars of the offence of the charge sheet. The squabble between the parties is thus, centred on the statement of the offence. The sub-issue here is therefore, whether or not the omission to specify the proper provisions of law under which the appellant was charged prejudiced him. In my view, the circumstances of this matter attract answering the sub-issue negatively. This is because, the omission was only that, the charge sheet

did not include the sub-section of section 60 of the Economic and Organised Crime Control Act Cap. 200 R.E 2002. Again, Cap. 200 was wrongly cited as Cap. 2002.

Under the circumstances of the case at hand thus, what mattered was for the appellant to understand the nature of the offence he was facing in order to make a reasonable defence. Indeed the particulars of the offence disclosed all the ingredients of the offence and gave him the necessary information related to the charge against him. The erroneous citation of the law did not thus, prejudice the appellant as rightly argued by the learned State Attorney for the respondent. In fact, not every wrong or non-citation of proper provisions in the charge sheet leads to injustice; see CAT decision in the case of **Festo Domician v. Republic, Criminal Appeal No. 447 of 2016, CAT, at Mwanza** (unreported). I thus, find the sub-issue negatively that, the omission to specify the provisions of the law did not prejudice the appellant.

The major issue regarding the second and the third grounds of appeal is thus, also answered negatively that, the charge sheet at issue was not incurably defective and did not prejudice the appellant. It was indeed, curable under section 388 of the CPA. The denial of fair trial alleged by the appellant's counsel did not thus exist. I thus, overrule the second and third grounds of appeal.

Since I have overruled the second and third grounds of appeal, I now consider the issues raised by the court *suo motu*. This is because, if the will

be upheld, they will dispose of the entire appeal without even testing the remaining first ground of appeal.

Starting with the first court issue, the appellant's counsel and the learned State Attorney for the respondent submitted unanimously that, the trial court did neither consider nor evaluate the defence evidence. I also subscribe to the same view. This follows the fact that, when I perused the judgment of the trial court, I noted that, three issues were raised. The first issue was discussed and concluded against the appellant at page 12 of the typed impugned judgment. This was done without considering the defence evidence. Again, at page 13-14 the trial court considered the second issue and concluded it. It then acquitted the other two accused persons. At this stage, the trial court did not also consider the appellant's fedence in making the impugned judgment.

As to the second court issue, I am of the view that, it is not necessary to consider it. This follow the fact that, its examination depended much on the first issue being answered affirmatively, which has not been the case. I will thus, consider the third court issue.

The third issue is on the legal effect of the failure by the trial court to consider and evaluate the defence evidence. The appellant's counsel was of the view that, the omission is fatal and it renders the impugned judgment and the conviction a nullity. He thus, proposed for this court to nullify the impugned judgment, quash the conviction and sentence and acquit the appellant.

On his part, the learned State Attorney for the respondent agreed that, the omission was fatal. However, he proposed for this court to step into shoes of the trial court, consider and evaluate the defence evidence.

In my view, the argument by the learned State Attorney for the respondent is supported by the law. In the case of **Leonard Mwanashoka** (supra), it was held by the CAT thus, and I quote it for the sake of a readymade reference:

> ".....Failure to evaluate or an improper evaluation of the evidence inevitably leads to wrong and/or biased conclusions or inferences resulting in miscarriage of justice. It is unfortunate that **the first appellate judge fell into the same error and did not re-evaluate the entire evidence as he was duty bound to do**. She did not even consider that defence case too....." (Bold emphasis supplied).

In the above light of the law, it is clear that, the above discussed failure to consider the defence evidence was fatal. However, the remedy is for this court, being the first appellate court in this appeal, to re-evaluate the evidence.

Regarding the fourth court issue, I am of the view that, it has been rendered redundant by the answers given in discussing the third issue as shown above.

I now step into shoes of the trial court, consider and evaluate the evidence of both the prosecution and the defence. I will then make my findings on the first ground of appeal. The major issue under this ground of appeal is whether or not the prosecution proved the case beyond reasonable doubts before the trial court.

It is a trite law in criminal cases like the one at hand that, conviction should base on the strength of the prosecution evidence and not on the weakness of the defence evidence.

The prosecution case in the case at hand was basically, as follow: Upon the suspicion that the appellant was dealing in government trophies, a trap was made to catch him. On 4/3/2018 the appellant was thus, trapped through PW4 who purported to be a buyer of elephant tusks. PW4 sent some money to the appellant for him to transport the said tusks from Chunya to Mbeya. Unfortunately, the appellant did not transport them, instead he (appellant) and PW4 agreed for the latter to collect tusks at Chunya.

On 11/3/2018, PW4, accompanied by other three police officers led by PW2, travelled during night hours to Chunya district. They arrived at Mbugani village following the directions by the appellant. On arrival, they arrested the appellant holding two empty gallons (of twenty litres volume). In each gallon, there were two pieces of elephant tusks making a total of 4 pieces. The belongings of the appellant, i.e. PE2 (four pieces of elephant tusks), PE3 (cellular phone), PE4 (two empty gallons), PE5 (dirty empty "surphet" bag), and PE6 (Voter's identity card) were thus, seized by the arresting team. The PW2, then prepared a certificate of seizure (exhibit PE1) and signed it. The appellant and other two witnesses also signed it.

On 16/3/2018 (five days later), the seized 4 pieces of elephant tusks were transported to the office of the Regional Crimes Officer (RCO) for Mbeya Region. On the same date, PW3 was invited to identify, examine

and evaluate their cost. PW3 identified them, examined them and evaluated them. He evaluated be worth Tshs. 33,859,500 and he prepared a valuation report. However, it was not admitted in court as exhibit.

I have also gone through the proceedings of the trial court and noted that, the appellant gave his defence from pages 33 to 35 of the printed version of the proceedings. He essentially denied having any communication with PW4 or being found in possession of the government trophies (i.e the 4 pieces of elephant tusks) without permit. He however, admitted to have been arrested at Mbugani bus stop along Mbeya/Chunya road by the persons who were in a motor vehicle (make Noah). He further testified that, he was arrested because he was suspected of having dealt in government trophies. Moreover, he was taken to Chunya police station and later transferred to Mbeya Central Police. After a month he was charged with the offence at issue before the trial court.

The above narrated prosecution evidence was direct evidence showing that the appellant had been found red-handed in possession of the elephant tusks without permit. The complaint by the appellant that, the evidence was circumstantial which needed to be corroborated is thus, not sustainable.

Moreover, the appellant's complaint that, there was no an independent witness during seizure, as a mandatory requirement under section 38 (3) of the CPA is weightless. These provisions guide thus, and I quote them for a quick reference:

> "Where anything is seized in pursuance of the powers conferred by subsection (1) the officer seizing the thing shall issue a receipt acknowledging the seizure of that thing, being the signature of the owner or occupier of the premises or his near relative or other person for the time in possession or control of the premises, and the signature of witnesses to the search, if any.

From the above quoted provisions of the law, a seizure certificate shall contain the following important elements only:

i) Acknowledgment of the seizure of the thing at issue,

ii) Signature of the owner, or occupier of a premises or his near relative or other person for the time being in possession or control of the premises and

iii) The signature of witnesses to the search, if any.

The requirement proposed by the learned counsel for the appellant is not thus, mandatory in law. In the matter at hand, exhibit PE1 (seizure certificate) contained four signatures for Abel Joram Manyanza, F.5925 D/CPL Selemani, the appellant and the officer executing the search i.e PW2. During the trial, the appellant did not dispute his signature. This meant that, he had acknowledged the seizure of the trophies from him. In that view, I do not see any problem in the certificate of seizure.

Besides, police officers as competent witnesses like any other witnesses, are entitled to be believed by the court of law unless there are good reasons for not believing them which is lacking in this matter. The law guides that, each witness is entitled to such credence; see the CAT decision in the case of **Goodluck Kyando v. Republic [2006] TLR 363**

Concerning the complaint that, there was no evaluation report on the cost of the trophies, I am of the following view: It is true that, the valuation report was not admitted because it was prepared by unqualified officer according to section 86 (4) of Act No. 5 of 2009. However, it was ruled by the trial court and was not disputed that, though the one who testified in court on this fact (i. e PW3) indicated in the valuation report that, she was a game officer, her identity card showed that, she was in fact, a wildlife officer. She was therefore in my view, competent to identify, examine and evaluate the government trophies at issue. The argument by the appellant's counsel that she (PW3) was unqualified officer has no basis. Henceforth, I thus, hold the view taken by the trial court following the decision of the CAT, in the case of **Issa Hassan Uki** (supra), that, though the valuation report was not admitted, the testimony of PW3, a wildlife officer was forceful enough to show that, the 4 pieces were truly elephant tusks and their value was Tsh. 33,859,500/=.

I have also considered the complaint that, there was a broken chain of custody regarding the trophies at issue. This shall not detain me because, it is established principle of the law that, where the goods/properties involved are in the nature of changing hands easily, there shall be trail documentation on how they were handled from one person to another; see the cases of **Paul Maduka and 4 Others v. Republic, Criminal Appeal No. 110 of 2007** (unreported), and **Kashindye Bundala and Another v. Republic, Criminal Appeal No. 349 "B" and 352 of 2009** (unreported). Nevertheless, in the matter at hand, the items under scrutiny are elephant tusks. In my view, they cannot change hands

easily and therefore, they could not be easily tempered with; see also **Issa Hassan Uki** (supra). Besides, the law says, the chain of custody of an exhibit can be proved even orally; see the CAT decision in the cases of **Marceline Koivogui v. Republic, Criminal Appeal No. 469 of 2017, CAT, at Dar es Salaam** (unreported) and **Khamis Said Bakar v. Republic, Criminal Appeal No. 359 of 2017, CAT, at Dar es Salaam** (unreported). In the matter at hand, PW2 and other prosecution witnesses proved the unbroken chain of custody orally by their evidence narrated above.

Owing to the strength of the prosecution case, I find that, the defence of the appellant was a mere denial of the offence. It is not thus, capable of raising any doubts in the mind of this court. I thus, reject it.

Having observed as above, I answer the issue raised above affirmatively that, the prosecution actually, proved the offence of unlawful possession of government trophies against the appellant beyond reasonable doubts. I thus, also overrule the first ground of appeal. The appellant was thus, properly convicted and sentenced.

Due to the findings I have made above against the appellant's grounds of appeal and issues raised by the court *suo motu*, I hereby dismiss the appeal for want of merits. It is so ordered.

JHK.UTAMWA.

JUDGE

09/11/2020

09/11/2020.

CORAM; Hon. JHK. Utamwa, J.

For applicants: present (by virtual court while in Ruanda prison-Mbeya) and Mr. Dickson Mbilu, learned advocate.

For the respondent: Ms. Zeba James, State Attorney (present physically).

BC; Mr. Patrick, RMA.

Court: judgement delivered in the presence of the appellant (by virtue court while in Ruanda Prison-Mbeya), Mr. Dickson Mbilu, learned advocate for the appellant and Ms. Zena James, learned State Attorney for the respondent, in court this this 9th November, 2020.

THE HIGH COURT OF TANZANIA

JHK. UTAMWA.

JUDGE

09/11/2020.