

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

CRIMINAL APPEAL NO. 77 OF 2016

(Original Lindi District Court Criminal Case No. 82 of 2015)

SHABANI YUSUPH LUKANDA.....APPELLANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

7 & 10 December, 2020

DYANSOBERA, J

In this appeal, the appellant sought to impugn the decision of the District Court at Lindi in Criminal Case No. 82 of 2015 by way of appeal.

On 19.3.2018, this court dismissed the said appeal after the Court was satisfied that the appellant defaulted appearance without notice and failed to prosecute his appeal.

The said dismissed order was however, set aside on 21.9.2020 after the appellant successfully applied for re-admission of his dismissed appeal.

The appeal was thus admitted and the Court ordered the hearing to proceed.

Today, when the appeal has been called for hearing, Mr Paul Kimweri learned Senior State Attorney has informed this Court that the same appellant has escaped from prison. He urges this Court to dismiss the appeal for want of prosecution.

I agree. The appellant who has escaped from prison and has failed to attend the Court implies that he is no longer interested in pursuing his appeal.

The appeal thus stands dismissed for want of prosecution.

Order accordingly.




W.P. DYANSOBERA

JUDGE

10.12.2020