

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF KIGOMA

AT KIGOMA

APPELLATE JURISDICTION

(PC) CRIMINAL REVISION NO. 6 OF 2020

(Arising from Criminal Appeal No. 10 of 2019 Kibondo District Court Before: Hon. F.Y. Mbelwa, RM and Originating from Criminal Case No. 31/2019 Kibondo Urban Primary Court Before: Hon. S.E. Rintenge, RM).

HARUNA CHAKUPEWA.....APPLICANT

VERSUS

PATRICK CHRISTOPHER NTALUKUNDO.....RESPONDENT

RULING

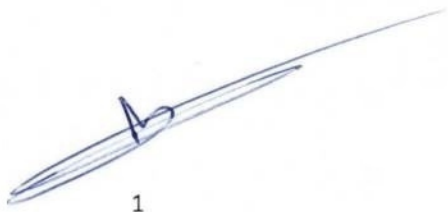
10th Feb.2021 & 10th Feb.2021

A. MATUMA, J

The applicant is aggrieved with the decision of the District Court of Kibondo vide Criminal Appeal No. 10 of 2019.

He has preferred this application.

When this application came for hearing, Mr. Kabuguzi learned advocate for the Respondent rose to argue preliminary objections on two grounds essentially;



- i. That Revision Application is not an alternative of appeal.*
- ii. That the cited provisions does not confer rights to individual to move the Court as the same are powers of the Court suo motto.*

In the cause of hearing Mr. Ndayanse conceded that if the application is taken to be Revision Application, then the PO would stand but, on his party, he has no **Revision Application** but **Inspection Application**. That if I find the Application before me is of Inspection and considering the invoked provisions, I will find that the PO is devoid of any merit.

Without much ado, before me there is a Revision Application and not Inspection Application.

Since Mr. Ndayanse denies to have filed application for Revision and conceded that Revision is not an alternative of appeal, I find this application for Revisions incompetent and to have been misconceived as rightly argued by Mr. Kabuguzi learned advocate.

I accordingly struck it out with costs as the same has been frivolously brought.

I hasten to say anything on application for Inspection because such application is not before me. Infact I have never seen any application for Inspection. I used to see inspection by the Court suo motto whose result

is an **inspection note** and not a ruling. I would leave to the applicant to make follow up of his application for inspection which is not before me.

He should go where he filed it, where was it registered and ultimately to who it is assigned for adjudication.

As far as the application before me is concerned, the same is a Revision which the applicant does not recognize.

Right of Appeal fully explained.

It is so ordered.



A. Matuma

Judge

10/2/2021

Court: This Ruling is delivered in chambers this 10th day of February, 2021 in the presence of Applicant in person and represented by Ndayanse advocate and in the presence of the Respondent in person and represented by advocate Kabuguzi.

A. Matuma

Judge

10/2/2021

