

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF KIGOMA

AT KIGOMA

APPELLATE JURISDICTION

(DC) CRIMINAL APPEAL NO. 61 OF 2020

(Arising from Economic Case No. 12 of 2019 of Kibondo District Court Before: M.P.
Kamuntu, RM)

KASABA S/O KILEGEYA.....APPELLANT

VERSUS

THE REPUBLIC.....RESPONDENT

J U D G M E N T

15th & 15th April, 2021

A. MATUMA, J.

This appeal is allowed. The conviction and sentence against the appellant are set aside.

This is because the appellant was charged for unlawful possession of government trophy to wit a leopard skin. But in evidence three pieces of the alleged leopard skins were tendered as exhibit P3 and P4 which is quite different to what was allegedly found with the appellant.

Not only that but also, one Hilary Coronel the Wildlife Officer who valued and identified the trophy was not called as a witness to confirm whether



the trophy he identified and valued was exhibit P3 and P4 and whether P3 and P4 were really leopard skins.

Mr. Kabuguzi learned advocate represented the appellant and was ready to submit on several other grounds to the effect that the prosecution case was not proved beyond reasonable doubts against the appellant but so long as Mr. Shaban Juma Masanja learned State Attorney supported the appeal among others for the potential exhibit to have been improperly handled, Mr. Kabuguzi opted for the court to direct otherwise.

In the circumstances of the strong reason that the potential exhibit was clearly tempered as it was not the one seized which was tendered in evidence and some prosecution witnesses including PW7 A/Insp. John Ayo conceding in evidence at page 37 of the proceeding that the exhibit was improperly handled, I find it dangerous to rely on exhibit P3 and P4 for the detriment of the appellant.

As rightly observed by Mr. Shaban Juma Masanja learned State Attorney and Mr. Kabuguzi learned advocate for the appellant, that alone suffices to dispose off this appeal and we need not dwell into other grounds of appeal. I therefore order the appellant's release from custody unless held for some other lawful cause.

It is so ordered.





A. Matuma

Judge

15/04/2021

Court: Judgment delivered in chambers this 15th day of April, 2021 in the presence of the Appellant and represented by Mr. R.G. Kabuguzi learned Advocate and Mr. Shaban Juma Masanga learned State Attorney for the Respondent.

Sgd: A. Matuma

Judge

15/04/2021