

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
AT SUMBAWANGA
CRIMINAL SESSIONS CASE NO. 64 OF 2018**

REPUBLIC

VERSUS

ALFRED S/O SALIMU @ MACHUNDA.....ACCUSED PERSON

JUDGMENT

Date of last order: 18/05/2021

Date of Judgment: 28/05/2021

NDUNGURU, J.

The accused person Alfred s/o Salimu @ Machunda was arraigned for murder contrary to section 196 of the Penal Code (Cap 16, Revised Edition 2002). The prosecution side alleged that on 19th day of January, 2017 at about 04:00hrs at Kasitu Village within Kalambo District in Rukwa Region did murder one **KORODIANA d/o KAPELE**.

Briefly stated, the facts giving rise to the case are that the deceased, Korodiana Kapele, was the daughter of the accused and that Yolanda Nandi (PW1), the wife of the accused, was the mother of four children that includes the deceased. The accused and his family including the deceased, lived at Kasitu Village in Kalambo District, Rukwa Region.

In order to appreciate, the gist underlying the arraignment of the accused, it is crucial to briefly state the background as follows. The case for the prosecution was that on 18th day of January, 2017 started like any other day at Kasitu Village. It is a day that the accused and his wife will never forget in their lifetime. On the alleged date, the accused and his wife went to a pombe shop to refresh themselves with a local beer. While at pombe shop, the accused threatened PW1 (his wife) saying that "*utakachoenda kukiona ndio hicho*" literally means what is going to happen is what you will see.

The accused and his wife returned home at 22:00 hours while carrying at her back the deceased. They slept in their bed with the deceased who was nine months old. It appears that in the middle of the night that is 19/01/2017, the accused wife (PW1) woke up only to find the deceased in the middle of the kitchen fire burned from the waist downward. The child was found dead while the accused was sleeping. The accused was arrested following the allegations that he was seen strangling the child and later throw her on fire. He was taken to the police and later to this court facing the charge of murdering Kordiana Kapele.

When the charge of murder was read to the accused person during plea taking and preliminary hearing, he consistently distanced himself from

the offence charged. On 21st day of April, 2021 when the case came for trial, the accused again pleaded not guilty.

In this case, the Republic had the services of Ms. Safi Kashindi Aman assisted with Mr. Peres, learned State Attorneys while the accused was represented with Mr. Peter Kamyamile, the learned counsel. In proving their case, the prosecution side paraded a total of six witnesses and two documentary exhibits which are sketch map (Exhibit P2) and Postmortem Report (Exhibit P1).

A short-lived summary of the prosecution witnesses can be detailed as follows:

PW1, Yolanda Nandi, peasant, resident of Kasitu Village within Sumbawanga District. Her testimony was that she has four children one of the them is the deceased called Kordiana aged nine months. Before the fateful date she went to a local pombe shop to enjoy local beer with the accused while carrying the deceased. She recounted that the accused had threatened her saying that "*utakachoenda kukiona ndio hicho*". She informed the court that the accused had once told her that the deceased is not his child and had threatened on several occasions that he will kill the child. On the fateful date, the accused and his wife went home and slept as usual but during the night, she found the deceased burning at the kitchen inside the house they were sleeping. PW1 went on to state that

the child was bunt from waist to downward. PW1 went to call one Zyangoma Emmanuel who rushed to the scene together with Village Executive Officer (VEO) who came thereafter and the village chairman. PW1 informed the court further that the accused admitted to her that he is the one who killed the deceased. PW1 went on to state that the accused placed the child in bed and escaped. Despite that PW1 said earlier she woke up to find the child on fire, she again stated that she witnessed the accused straggling the child and kept her on fire and was smelling the burning of the child.

When cross examined by the defence counsel Mr. Peter Kamyalile, PW1 informed the court that on the alleged date the accused took the child to a room and killed her. She went on to state that she saw the accused in darkness killing the child. She admitted that the accused was drunk, but she drunk little than the accused. She clarified that she was awakened by her child called Jafari who informed her that the child is burning. PW1 went on to testify that it is the accused who killed the deceased since he has threatened her that he will kill the said child. Her testimony was further that the deceased who could not crow was sleeping on a mat. She added that she saw the accused taking the child but could not dare to speak since she was threatened by the accused. When further

cross examined, PW1 admitted that she did not witness the accused killing the child but witnessed him burning the child.

When re-examined by the state attorney, PW1 told the court that she witnessed the accused awakening the child. She went on to state that the child belonged to the accused.

PW2, Augenia Joseph Siku, a resident of Kasitu, within Sumbawanga District testified that on 18/01/2017 went to a local pombe shop after her shamba work where she met Yolanda and her husband. PW2 went on to state that she heard the accused abusing his wife (PW2) saying "*kuma mayo*". Failure to resist such abuses, PW2 left pombe shop to her house. PW2 went further to testify that on the next date (19/01/2017) she heard people crying where she witnessed a deceased body lying in bed with burn wounds from her shoulder to downward. The accused had already escaped.

When cross examined by the defense counsel, PW2 testified that she heard the accused threatening PW1 saying that "*utakachokiona ndio hicho hicho*". When re-examined by the state attorney she went on further to state that she went at the scene are where she found the deceased body lying on the mat.

When re-examined by the State Attorney, PW2 told the court that she read the accused threatening PW2 saying that she was demanding money hence she will be beaten and will see what will happen.

PW3, Martha Kusongwa, resident of Njombe and a Village Executive Officer (VEO) was once the village executive officer at Kasitu Village. PW3 testified that on 19/01/2017 at around 06:00 Am was at her house when she was informed by Salavatory Mtonte and Sichisenga that a child named Kordiana Kapele has been murdered. PW3 went to the crime scene and found a dead body of a child lying on a mat. She recounted that the deceased body had severe burnt from the waist to the legs. PW3 went on to state that she interrogated PW1, she told her that the accused who is her husband has threatened her that she will see what he is going to do (*utaona nitakachofanya*), then at night that what has happened. PW3 testified further that she was told by PW1 the accused has been complaining that the deceased is not his biological child and one day he will kill her. The matter was reported to the village chairman and to the ward councilor and ward Police Officer. PW2 went on further to state that the accused was not at the scene of crime. According with PW3, the police inspected the body of the deceased and found out that her neck was loose and said she was strangled.

When cross examined by the defense counsel Mr. Peter Kamyalile, PW3 told the court that she does not know where the deceased body was found as she was brought by her relatives. She went on to state that she did not state on whether the body was inspected. She told the court further that she did not receive threat complaints from PW1 that the accused has threatened to kill the child.

When re-examined by the State Attorney, Ms. Safi Kashindi, PW3 told the court that PW1 had ongoing conflict with the accused who was complaining that the deceased in not his biological child.

PW4, Abraham Seleman, a village chairman testified that on 19/01/2017 during the morning hours received a call from Village Executive Officer (VEO) that a child called Kordiana Kapele died after having sustained burn from her waist up to her legs. He went to a crime scene and witnessed the deceased body lying on mat. He went on to state that at the scene of crime the accused was not present as he was not told where he had gone. PW4 told the court further that PW1 informed them that the deceased was slept between them and was not yet crowing.

When cross examined by the defense counsel Mr. Peter Kamyalile, PW4 told the court that the accused was brought by his relatives and was kept under arrest. PW4 added that he heard PW1 saying that she suspected the accused as the one who killed the deceased because he was

complaining that the child is not his and that he escaped from the crime scene. PW4 said further that he was informed by PW1 that she did not witness who killed the child.

When re-examined by Ms. Safi Kashindi, the learned State Attorney, PW4 said that he was told by PW1 that the accused has threatened her that *"leo utakachokiona ndio hicho hicho"*.

PW5, F. 6698 D/C Obeti a Police Officer - CID Department stationed at Matai Police, Kalambo District. He told the court that on 19/11/2017 was informed by OCCID that there is a murder event at Kasitu Village. PW5 went on to state that at 10:30 Am went to the scene of crime with Dr Bonifas where they found a dead body lying on the mat. The deceased mother was also there while the accused was under arrest. It was his further testimony that the body of the deceased was burned from the waist to the legs and the neck was loose. According to PW5, the investigation reveals that there was no fire accident in that house. PW5 went on to testify that the medical report reveals that the cause of death was lack of oxygen (strangulation).

When cross examined by Mr. Peter Kamyalile, the defence counsel, PW5 told the court that he drew a sketch map of the crime scene. He went on to state that the body was at the verandor. He went to state that they

arrested the accused based on circumstantial evidence that the accused was quarrelling with his wife (PW1) that the child is not his.

Further to that, PW6, Boniphas Chapanga, a Clinical Officer at Matai Health Center and a resident of Singiwe, Kalambo District. He told the court that on 19/01/2017 during the morning hours was at the health center when he was called by OCCID to be informed that there was a murder event at Kasitu Village hence was required to conduct postmortem examination. PW6 went to Matai Police Station and with two Policemen they went to Kasitu which is one hour travel distance by vehicle. Upon having reached at the crime scene, they found the dead body lying on the mat near the kitchen. She told the court that she examined the body at 10:00 a.m. where she found out that she had burn wounds from the waist to her legs, her neck had bruises and loose to signify that she was strangulated. In establishing the cause of death, PW6 stated that the deceased died due to lack of oxygen. She completed her postmortem report and handed over to Police. The dead body was handled to the deceased relative for burial process.

When cross examined by the defence counsel Mr. Perter Kamyalile, PW6 said that he conducted postmortem in the presence of DC Mkandala, Abuga and Obeti. She went on to state that the body had bruises on her

neck which caused suffocations. She added that bruises were caused by pressing the neck.

When re-examined by Ms. Kashindi Aman, the learned State Attorney, PW6 stated that according to the police regulation, the officer who instructed investigation must appear at the report. She added the deceased's neck seems to have been pressed by rough object for bruises to appear.

During his defense, DW1 (hereinafter called the accused), a resident of Kasitu Village within Kalambo District, a peasant and a Christian. In his end cutting voice testified that the deceased is his biological daughter. He testified that she was at a local pombe shop with his wife (PW1) on 18/1/2017 at 19:00 hours. He went on to testify that at 21:00 hours told his wife to go home but she denied. Having refused to go home, he left going home while drunk leaving his wife (PW1) and the deceased and he slept. It was his testimony that during the night, he heard his son calling his mother asking where she put the child as she was near the fire. It appears that when the accused woke up only to find the child dead. The accused insisted that he did not know the time when PW1 came back home as he was drunk and slept. He said to court that when he went to hold a child, he found out that he was already dead.

The accused recounted when PW1 went out shouting but was caught by people and started beating her saying she is the cause of the death of her child. DW1 went on to say that his wife was being taught by Mama Debora to say that she slept with him. DW1 denied having killed the child since she was his biological child. DW1 insisted that it is not true that he was seen by PW1 pressing the neck nor burning the child since the room was dark. He faulted the prosecution evidence as being concoction and that he was being implicated in this case.

When cross examined by Ms. Safi Kashindi, the State Attorney, DW1 said that the deceased is his child as he resembled her. He insisted that he is the one who reported the matter to Village Executive Officer (VEO) and not his wife (PW1). He also stressed that he did not escape as he went to inform his relatives about the death of his daughter. He told the court further that he was drunk hence was unaware of what has happened. DW1 while crying told the court that the deceased was his own child and cannot kill her.

When re-examined by Mr. Peter Kamyalile, learned counsel for the accused told the court that he has four children that includes the deceased. He added that he was awakened by the voice of his son telling his mother that the child is on fire.

With the leave of the court, Ms. Safi Kashindi, the learned State Attorney and Mr. Peter Kamyalile submitted their final submissions. Mr. Peter Kamyalile for defence side submitted that in murder charge, the burden of proof is always on the prosecution side. He added that such proof has to be beyond reasonable doubt. He was of the further view that it was incumbent for the prosecution to prove beyond reasonable doubt that the accused person committed the offence charged. He invited the court to place its reliance in the case of **Nathaniel Alphonse Mapunda and Another vs. Republic, [2006] T.L.R 395** and **Mohamed Said Matula vs. Republic [1995] T.L.R 3.**

The learned defense counsel went on to state that there is no any prosecution witness who testified to have seen the accused killing the deceased. He was of the further contention that the prosecution witnesses linked the accused person with this offence because of his previous quarrel with PW1. The learned counsel stressed further that it is trite law previous quarrels should not be the basis for conviction. He persuaded the court to find an inspiration in the case of **Hakimu s/o Mfaume vs. Republic [1984] T.L.R 201** at page 202.

To add more weight in his submission, the learned counsel went on to state that it is trite law that in serious charge of murder suspicion alone however grave, is not enough to sustain conviction. He added further that

suspicion, however strong, cannot be a substitute for proof beyond reasonable doubt. He was confident to submit further that the prosecution evidence is based on suspicion alone on the ground that the accused threatened that he would do something to PW1. He cited to this court the case of **Nathaniel Alphone Mapunda and another vs. Republic** (supra). The learned counsel challenged PW1 witness saying that her witness as the key witness was not credible as she was not telling the truth and she lacked coherence. It was his further contention that there was variance or inconsistency in the testimony of PW1 which suggests that the case against the accused was fabricated or exaggerated. He invited the court to find an inspiration in the case of **Kibwana Salehe vs. Republic, (1968) H.C.D No. 391**. The learned counsel was also in doubt with the identification of the accused with a view that it failed to meet the condition laid down in the case of **Wangiti Marwa Mwita and Others vs. Republic [2002] T.L.R 39**. He ended up his submission by stating that the prosecution side have failed to prove their case beyond reasonable doubt and that the accused should be found innocent in the eyes of the law and be acquitted.

On their side, the prosecution side contended that they have discharged their duty by parading six witnesses who were able to prove the charge against the accused. The learned State Attorney relied his

stance by replicating the evidence of PW1 narrating the sequence of events that led her to believe that the child was killed by the accused. She narrated on how the accused was occasionally accusing PW1 that the child is not his and that the accused has been threatening to kill the child. The learned State Attorney submitted on how the accused run away after the incident corroborating this view with the other prosecution witnesses that includes PW2, the Clinical Officer and the Police.

The learned State Attorney was of the view that the whole evidence is based on circumstantial evidence since there was no body who saw the accused murdering the deceased. He invited the court to place its reliance in the case of **Ally Bakari and Pili Bakari vs. Republic [1992] T.L.R 10** and also in the case of **Tumuheire vs.Uganda [1967] EA 328**. The learned State Attorney elaborated to this court circumstantial evidence to wit:

- (i) *That the accused has claimed he was not the biological father of the deceased and has promised to kill her.*
- (ii) *According to the evidence of PW1 the accused has intimidated her that she will see what will happen and that on the same material date during the night the deceased was killed, thereby did vanished.*
- (iii) *PW3 testified that PW1 told her that the accused claimed that deceased was not a biological child to the accused.*

- (iv) PW2 testified on how she heard the accused threatening PW1 that she will see what will happen.*
- (v) PW4 did not find the accused at the crime scene.*
- (vi) PW5 testified that there was no fire accident at the crime scene but saw the deceased with fire burn.*
- (vii) That the deceased died due to lack of oxygen and sustained burns from her stomach to the toes.*

The learned State Attorney was of the view that all the above stated circumstances have been conclusively established by the prosecution side and they are consistent with the guilt of the accused. To end up his submission, the State Attorney confidently stated that the case has been proved against the accused that the death of the deceased was caused by the accused. She referred to this court the case **of Mohamed Said Matula vs. Republic [1995] T.L.R 3** to support her stance. She went on to state that PW6 was able to establish that the neck of the deceased had bruises and that she was pressed by a blunt object. She also stated that post mortem report shows that the cause of death was due to lack of oxygen. The learned State Attorney finally concluded that they have been able to prove that the accused with malice aforethought did kill the deceased one Kordiana d/o Kapele.

After having prudently dissected the prosecution evidence as well as the defense evidence and their submissions, the following issues will be essential for the determination of the case at hand.

- (i) Whether the deceased child one Kordiana Kapele alleged to have died is actually dead, if the answer is in affirmative,
- (ii) Whether the accused person Alfred s/o Salimu @ Machunda, is responsible for the death of his daughter Kordiana Kapele who is subject of this trial,
- (iii) Whether his action was actuated with malice aforethought.

I opt to initially start with the first issue raised. According to the evidence on record, PW1 informed the court that she found the deceased at the kitchen with burn from her waist to the legs. PW2 testified that she witnessed the deceased body lying in a mat with burn wounds from her waist till her legs. The same version was given by the rest of prosecution witnesses. PW5 who is the Police Officer stationed at Matai Police testified on how he was in the company of PW6 witnessed the dead body of the deceased lying on the mat. The Clinical Officer who conducted post-mortem established that the cause of death was due to lack of oxygen. The Clinical Officer also stated that the dead body had burn wounds from the waist to the legs.

The accused in his defense testified on how he carried the deceased body from fire, and placed her in a mat crying while complaining to his wife. There is no any other piece of evidence which is at variance with the above proposition. This shows that there is no gainsaying that the child named Kordiana Kapele is real dead. The evidence shows that she died on 19/01/2017. As hinted above, the cause of death was due to lack of oxygen. This proves that the deceased death was unnatural. The deceased met her death through fire burn.

Since it is settled that the deceased one Kordiana Kapele died because of unnatural cause, the follow up question is who is responsible with the killing?

From the evidence on record, and as submitted by the counsel for the accused, it is not in dispute that there is no any witness testified to have seen the accused killing the deceased. The same stance was also stated by the State Attorney in her submission that there is no doubt that no body saw the accused person murdering the deceased. PW1 in her testimony gave two contradictory evidence. She informed the court that while asleep she was awakened by the voice of her son called Jafari who broke the news that the child is on fire. On the other hand, PW1 testified that she saw the accused strangulating the deceased and thereafter put her in the kitchen fire. Her testimony was further that she did not do

anything since she was being threatened by the accused. She did not elaborate further what kind of weapon used by the accused to threaten her that prevented her from rescuing her child from all agony. The prosecution side wanted the court to believe that there is circumstantial evidence that may lead the court to convict the accused to wit:

- (i) *That the accused has claimed he was not the biological father of the deceased and has promised to kill her*
- (ii) *According to the evidence of PW1 the accused has intimidated her that she will see what will happen and that on the same material date during the night the deceased was killed, thereby did vanished and that there was no fire accident at the crime scene but saw the deceased with fire burn.*
- (iii) *That the deceased died due to lack of oxygen and sustained burns from her stomach to the toes.*

The court of Appeal in Mark **s/o Kashmiri vs. The Republic**, Criminal Appeal No. 39 of 2017, Court of Appeal of Tanzania at Arusha has established the basic principles governing the reliability of the circumstantial evidence to convict which includes:

- (i) *That the circumstances from which an inference of guilty is sought to be drawn must be cogently and firmly established, and that those circumstances should be of a definite tendency unerringly*

*pointing towards the guilty of the accused, and that the circumstances taken cumulatively should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and non-else (See **Justine Julius and Others vs. Republic**, Criminal Appeal No. 155 of 2005 (unreported)).*

- (ii) That the inculpatory facts are inconsistent with the innocence of the accused person and incapable of explanation upon any other reasonable hypothesis than that of guilt; and that before drawing inference of guilt from circumstantial evidence, it is necessary to be sure that there are no ex-existing circumstances which would weaken or destroy the inference.*
- (iii) That the accused person is alleged to have been the last person to be seen with the deceased in absence of a plausible explanation to explain away the circumstances leading to death, he or she will be presumed to be the killer.*
- (iv) That each link in the chain must be carefully tested and, if in the end, it does not lead to irresistible conclusion of the accused's guilt, the whole chain must be rejected.*

(v) *That the evidence must irresistibly point to the guilt of the accused to the exclusion of any other person (See **Mpunzu vs. Republic**, Criminal Appeal No. 12 of 2002 (unreported))].*

(vi) *That the facts from which an adverse inference to accused is sought must be proved beyond reasonable doubt and must be connected with the facts which inference is to be inferred.*

To fortify this contention, I shall be guided by the said principles to establish whether or not the available circumstantial evidence irresistibly points to the guilt of the accused. It is conspicuous that; the fateful incident was committed during night time. Correspondingly, according to the testimonial account of PW2 the deceased's neighbor, she heard the accused threatening PW1 that she will see what will happen. On the next day is when she heard people crying and upon having gone close is when she realized that there is dead body of a child placed in a mat at the accused house. Both other witnesses testified that they did not find the accused at his home when they went there. The accused in his defense stated that she went to inform his relatives about the death of his deceased daughter. From this kind of version, there is no proof that the accused real did escape from the crime scene at all. He was not arrested while escaping.

The evidence of PW1 is also defined with misperception and indecisiveness. When testified before this court, PW1 submitted that she saw the accused when strangulating the deceased. She tried to make the court to believe that it is the accused who killed the child because he has threatened her that he will kill the child because he is not the biological father. Her version was that she has reported the matter to the Village Executive Officer (VEO). However, in his testimony, the Village Executive Officer (VEO) testified to have been informed so by PW1 about the alleged threats. But when Village Executive Officer (VEO) cross examined what step did she take, she said she did not. That also raises doubts as to her credibility. On the other hand, PW1 informed the court that after having arrived from pombe shop he placed the child between them. She testified on how he was awakened by her son who informed her that the child was burning. This creates doubt so far that the evidence does not point out that it is the accused who committed such atrocity.

The cumulative circumstances of the prosecution evidence to form a chain is far from being complete which does not point the culpability of the accused in the absence of plausible evidence from the prosecution side in order for this court to award conviction to wit; **One**, on 19/01/2017 the accused was the one who went home leaving behind PW1 and the deceased at local pombe bar. This was not demurred by the prosecution

side. There is no gainsaying that it is PW1 who was last seen with the deceased person and, **Two**, there is no body who testified to have seen the accused killing the child and or throw her to the fire which triggered her death. No witness who saw PW1 coming from the Pombe shop with the deceased. To what state the two were.

In dealing with circumstantial evidence, the Supreme Court of India in **Balwinder Singh vs. State of Punjab, 1996 AIR 607**, had this to say:

*"In a case based on circumstantial evidence the court has to be on its guard to avoid the danger of allowing suspicion to take the place of legal proof and has to be watchful to avoid the danger of being swayed by emotional considerations, however strong they may be, to take the place of proof (See, also **SARKAR ON EVIDENCE**, 19'1 Ed, p.65).*

Similar stance was observed in In **Ally Bakari and Pili Bakari vs. Republic (1992) T.L.R 10**, this Court stated:

"Where the evidence against the accused is wholly circumstantial, the facts from which an inference adverse to the accused is sought to be drawn must be proved beyond reasonable doubt and must be clearly connected with the facts from which the inference is to be inferred".

Basing on what is stated hereinabove, I wish to state that, in the present matter, the conduct of PW1 leaves a lot to be anticipated. It really taxed my mind why PW1 gave contradictory evidence when testifying before this court? Her demeanor is also questionable. I am alive to the

principle that the demeanor of a witness is not the only factor applicable in assessing the credibility of a witness but by looking at the coherence of the testimony of the witness as well as its relationship with other received evidences. The same stance was observed in the case of **William Onyango Nganyi @ Daudi and 5 others vs. The Republic**, Criminal Appeal No. 9 of 2016, Court of Appeal of Tanzania at Dar es Salaam. The evidence of PW1 who appeared to be a key witness in this case is coupled with controversy and inconsistency that may cause the case to flop as the gist of evidence is contradictory that the prosecution case will be dismantled.

Basing on her evidence, PW1 stated that she saw the accused strangulating the child and kept quiet with the reason that she was threatened by the accused. When she was further examined by the State Attorney, she altered her story that she was awakened by her Son Jafari who said to her that the child is burning on fire. In my considered view, such conduct was indeed the witness (PW1) calculated move to implicate the accused as perpetrator of the crime. There was no any corroborative evidence to support PW1's version that it is the accused who killed the child. The evidence led by the prosecution does not show that it is the accused who committed the offence in the exclusion of others. Her evidence is only based on suspicions. However, suspicion alone however

grave it may be is not enough to sustain a conviction, in a serious crime like murder. This was observed in the case of **Nathaniel Alphonse and Another vs. Republic [2006] T.L.R 395.**

Since it is now settled that it is not the accused person who killed the deceased, then there is no need to dwell on the next issue as to whether or not the accused is the one who killed the child with malice aforethought. There is no any relevant piece of circumstantial evidence that forms part of the network of the facts established to show that it is the accused who strangled his own daughter to death and threw her unto the burning fire in the kitchen. On the whole evidence, I am of the considered view that the accused did not commit murder as charged as there is no co existing circumstances which could lead to the inference of guilty to the accused. The case is not therefore proved beyond reasonable doubt by the prosecution.

I therefore acquit the accused forthwith unless held for other lawful cause.

It is so ordered.




D. B NDUNGURU
JUDGE
28/05/2021