

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF KIGOMA
AT KIGOMA**

MISC. CRIMINAL APPLICATION NO. 07 OF 2021

(Original Economic Case No. 04 of 2021 in the District Court of Kibondo)

MOSHI PASCAL.....1ST APPLICANT

ALBERT FRANCIS.....2ND APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

R U L I N G

01 & 01/07/2021

A. MATUMA, J.

The applicants herein stand charged in the District Court of Kibondo vide Economic Case No. 04/2021 of an economic offence with two counts namely; First, **Unlawful possession of weapon in game reserve** contrary to section 17(1) and (2) of the Wildlife Conservation Act No. 5 of 2009. They are alleged to have been in possession of one bush knife, two knives and one axe in the game reserve without a written permit from the director of wildlife.

Second, **Possession of Government Trophies** Contrary to Section 86 (1) and 2(c) (ii) of the Wildlife Conservation Act (No. 5 of 2009) as Amended by Section 59 of the Written Laws (Miscellaneous Amendment No.2) Act of 2016 Read together with paragraph 14(d) of the First Schedule and Section 57(1) and 60(1) and (2) of the Economic and Organised Crime Control Act [Cap 200 R.E 2019] to wit, pieces of Buffalo skin and Five Buffalo legs valued at eleven million two hundred and fifty thousand only. (Tshs 11, 750, 000/=)

At the hearing of this application the Applicants were absent as they were not brought from Kibondo Prison due to the current challenge of corona virus but M/S Edna Makala learned State Attorney who represented the Respondent/Republic expressed her intention not to object the application. I therefore decided to hear the application on the strength of the applicants' affidavit though in their absence. The learned State Attorney supported this application. She only drew the attention of this court to the Requirements of Section 36(5) & (6) of the Economic and Organized Crimes Control Act, Cap. 200 R.E. 2019. According to the applicants' affidavit, the applicants could not be granted bail in the committal court as the value of the charge exceeds Tshs. 10,000,000/=. In the circumstances that the offences under which the Applicants stand charged are bailable and the Respondent does

not object the applicants' prayer, I hereby grant the application and order the release of the applicants on bail under the following conditions: -

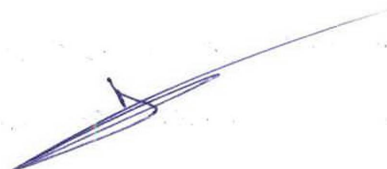
- i. *Each applicant to deposit in Court cash money Tshs **2,937,500/=** or a title deed of an immovable property of an equivalent value. If the title deed is not available, then any other such proof of the existence of the property to the satisfaction of the Court.*

For clarity the cash to be deposited or the title deed need not be the property of the accused in person. It might be of any other person who volunteer them to be deposited for and on behalf of the applicant and who shall also appear in Court to undertake on record the risks of putting his/her properties as a bond to the applicant.

- ii. *Each applicant to have two reliable sureties who shall each sign a bond of Tshs **1,468,750/=**.*

- iii. *Each of the sureties must have an introduction letter from the local leaders of his place of residence and if he or she is employed then an introduction letter from his or her employer.*

- iv. *The applicants should surrender to the Police Station their passports or any other travelling documents if any.*



- v. *The applicants should not travel abroad without a prior written consent of the Resident Magistrate Incharge of the District Court of Kibondo.*

It is so ordered.



A. MATUMA,

JUDGE,

01/07/2021

Court: The applicants be brought before the Resident Magistrate Incharge of Kibondo District Court for approval of sureties if any.

Sgd: A. MATUMA,

JUDGE,

01/07/2021