

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(SUMBAWANGA DISTRICT REGISTRY)

AT SUMBAWANGA

MISC. CRIMINAL APPLICATION NO. 27 OF 2021

(C/O Sumbawanga DC Economic Crimes Case No. 2 of 2021)

DOTTO S/O FUNGAMEZA APPLICANT

VERSUS

THE REPUBLIC RESPONDENT

RULING

Date: 16 & 16/07/2021

Nkwabi, J.:

The applicant was arraigned before Sumbawanga District Court for unlawful possession of Government Trophy contrary to section 86(1) and (2) (c) (ii) of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14 of the First schedule to and sections 57(1) and 60(2) of the Economic and Organized Crime Control, Act [CAP. 200 R.E. 2002 as amended by section 16(a) and 13(b) respectively of the Written Laws (Miscellaneous Amendments) Act, No. 3 of 2016.

The committing court (District Court) could not grant bail to the applicant as the value of the trophy subject of the charge is over and above the

threshold the trial court could entertain the application for bail hence this application before this court.

Mr. Kabengula argued, that given the value of the alleged trophy, it is the High Court that is vested with the requisite jurisdiction to entertain the application for bail.

The respondent (The Republic) did not file a counter-affidavit indicating that the respondent would not object the application for bail filed by the applicant. No objection to bail was raised by the learned State Attorney who appeared for the Republic. In his submission, however, he alerted this court to abide with the provisions of section 36(4)(e) of the Economic and Organized Crimes Control Act.

In his affidavit, the applicant averred on paragraph 4 to the effect that if bail is not granted, the applicant will suffer a lot in remand custody, his family life will be in disrupted because of the economic hardship and there is a possibility of breakup of the family.

I have carefully considered this application for bail. Since the Respondent does not object the application for bail, this court grants the application for bail to the applicant.

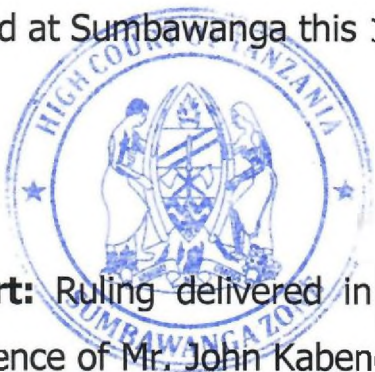
Having in mind the provisions of section 36(4)(e) of the Economic and Organized Crimes Control Act, I impose the following bail condition to be fulfilled by the applicant and his sureties in order the applicant is released on bail:


1. The applicant shall be out on bail upon depositing cash money to the tune of Tshs. 17,392,500/= equivalent to half of the value of the trophies or deposit title deed of immovable property whose value is proved through government valuer's report to be not less than T.shs 17,392,500/= equivalent to half of the value of the trophies.
2. The applicant shall have two reliable sureties who shall execute bail bond at T.shs, 17,392,500/=. Each surety shall have introductory letter from local government leader(s) of their locality where they reside.

3. Since the applicant ought to appear in the committing court, such appearance on the fixed date shall be deemed as reporting to the authority.
4. The applicant has to surrender any travel document that he possesses if any.
5. The applicant shall not travel outside the jurisdiction of the High Court Sumbawanga Zone during the pendency of Economic crimes case the subject of this application for bail, save with the permission of the learned trial Magistrate.
6. Ascertainment of compliance with the bail conditions set hereinabove shall be conducted by the Deputy Registrar of the High Court.

It is so ordered.

Dated at Sumbawanga this 16th day of July, 2021.




J. F. NKWABI,
JUDGE

Court: Ruling delivered in chambers this 16th day of July 2021 in the presence of Mr. John Kabengula learned State Attorney for the Respondent (The Republic) and the applicant present in person.




J.F. NKWABI,
JUDGE