

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

CRIMINAL APPEAL NO 57 OF 2020

(Originating from Nanyumbu District Court Criminal Case No 72 of 2018)

SAIDI HASSAN IBRAHIMAPPELLANT

VERSUS

THE REPUBLICRESPONDENT

RULING

11TH August,2021

W. P. Dyansobera, J

Having perused the trial court's record, I have discovered that there the two judgments which bear different dates.

While the handwritten judgment bears the date of 2nd August 2019, the typed judgment indicates that it was written on 11th day of February 2020.

This latter judgment is the one the appellant seeks to impugn and is attached to the petition of appeal. However, the said judgment lacks the sentence.

Mr. Paul Kimweri, learned Senior State Attorney being aware of the defects, argue that there is no appeal properly before this court.

He prays this court to order the record be dispatched to the lower court so that the defects can be cured and this will enable the appellant to bring an appeal which, in the eyes of the law, is competent.

The appellant, on his part is arguing that he fears the time the compliance with the directions will be taken by the subordinate court.

I think the argument of Mr. Paul Kimweri, learned Senior State Attorney for the respondent, has merits.

Accordingly, the present record of the lower court is ordered to be dispatched back to the trial District Court at Nanyumbu so that a proper and legally recognized judgment is composed then the appellant will have opportunity to file a competent appeal to this court. The two judgments appearing on the record which bear different later are nullified.

Meanwhile, the appellant is remanded in custody pending the trial Court composition of a proper judgment.

The trial court is directed proper to compose a proper judgment within third days from the date of this ruling.

Order accordingly.



A handwritten signature in blue ink, appearing to read "W. P. Dyansobera".

W. P. Dyansobera

Judge

11/08/2021