

**IN THE HIGH COURT OF TANZANIA**

**(MTWARA DISTRICT REGISTRY)**

**AT MTWARA**

**CRIMINAL APPEAL NO. 122 OF 2020**

*(Arising from Kilwa District Court at Masoko in Traffic Case No.21 of 2020)*

**MALIKI HASSAN MSHIRI.....APPELLANT**

**VERSUS**

**THE REPUBLIC.....RESPONDENT**

**RULING**

18<sup>th</sup> October, 2021

**W. P. Dyansobera, J.**

The appellant herein was convicted by the District Court on his own plea, of the offence of reckless driving contrary to sections 42 (a), 27(1) (a) and 63 (2) (b) of the Road Traffic Act, [Cap. 168 R. E. 2002]. He was sentenced to a fine of Tshs. 20,000/= or in default of payment of a fine, to a custodial sentence of two years. His driving licence was also cancelled for a period of 3 years. He was aggrieved and appealed to this court challenging the sentence and cancellation order.

When the appeal came for hearing the appellant made no appearance. No notice was given for his default. Mr. Kauli George Makasi, learned Senior State Attorney prays that this appeal be dismissed on account of the appellant's failure to prosecute it. He argues that the appellant might have lost interest in pursuing his appeal.

With respect, I agree. The appellant has defaulted appearance. No notice has been given for his default. He should be taken to have lost interest in pursuing his appeal.

Accordingly, this appeal is dismissed for want of prosecution.



  
**W. P. Dyansobera**

**Judge**

**18/10/2021**