

**IN THE HIGH COURT OF TANZANIA**  
**(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 257 OF 2021**

(Originating from Economic Crime Case No. 02 of 2021 in the District Court of  
Mkuranga at Mkuranga)

**JAMALI ATHUMANI NGAJIMA** ..... **1<sup>st</sup> APPLICANT**  
**MAULID SAID MALOWA** ..... **2<sup>nd</sup> APPLICANT**

**VERSUS**

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

**RULING**

*08<sup>th</sup> and 15<sup>th</sup> December 2021*

**ITEMBA; J**

The applicants, Jamali Athumani Ngajima and Maulid Said Malowa stand jointly charged with one count of **Unlawful Possession of Government Trophies** contrary to section 86(1) (2) (c) (li) of the Wildlife Conservation Act No. 5 of 2009 read together with Paragraph 14 of the First schedule to, Section 57(1) and Section 60(2) of the Economic and Organized Crime Control Act (Cap 200 R.E 2002), as amended by section 16 (a) of the Written Laws (miscellaneous amendment) Act No. 3 of 2016 herein, Cap 200.

It is alleged that, on 22<sup>nd</sup> September 2021, the applicants together with one other person who is not a party to this application were found in possession of Government Trophies to wit, 16 pieces of elephant tusks valued at **USD 75,000** which is equivalent to Tanzanian shillings One Seventy-Three Million Three Twenty-Two Thousand Seven Hundred Forty-Nine and Ninety Nine Cents (**Tshs 173,322,749.99/=**). The incidence happened at Utunge area, Kisemvule village within Mkuranga District in Coast Region.

By way of Chamber Summons, the applicants are moving this court to grant them bail in accordance with section 29(4)(d) and 36(1) of Cap. 200. The application is supported by a joint affidavit of both applicants.

At the hearing, the applicants appeared in person, unrepresented, while the adversary side, the respondent was represented by Mr. Clemence Kato, learned State Attorney.

The appellants lamented that being laymen they have nothing to explain rather than asking to be granted bail so that they can be able to join their family. That, they were informed that the charged against them isailable.

The application was not contested by the respondent. The state attorney submitted that the offence against the applicants isailable.

Having considered the applicants' chamber summons and affidavit thereof and the provisions of sections 29(4) (d) of Cap 200, it is undisputed that the offences which the applicants are charged with areailable and

this court has jurisdiction to grant the same. Further, the application is not challenged and there is nothing established to prevent the applicants from being admitted to bail. I find it just and appropriate to allow the application.

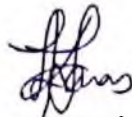
That being said, and under the guidance of Section 36(5)(a) of Cap 200, I hereby grant the application and admit the applicants to bail pending trial subject to the following conditions:

1. Applicants are to deposit in Court; cash amounting to half of Tanzanian shillings One Seventy Three Million Three Twenty Two Thousand Seven Hundred Forty Nine And Ninety Nine Cents (**Tshs 173,322,749.99/=**) or property/properties equivalent to half value of the said amount and the rest of the amount to be secured by execution of bond in writing. The principle of sharing to apply.
2. Each applicant has to provide two reliable sureties who are to execute a bond of Tanzanian Shillings Fourteen Million (**Tshs. 14,000,000/=**) each, and to satisfy the Court that sureties are either employees of the Government or possesses a National Identity Card issued by NIDA with permanent residence within Coast Region.
3. Applicants should not leave the jurisdiction of the Court without prior permission from the District Court of Mkuranga.
4. The applicants are to report to the Regional Crime Officer for Coast Region according to his/her prescribed schedule.

5. Verification of sureties and bond documents to be executed by the Resident Magistrate, in District Court of Mkuranga at Mkuranga.
6. The applicants are to surrender their passports and any other travelling documents (if any) to the Resident Magistrate, in District Court of Mkuranga at Mkuranga.

It is so ordered.

DATED at Dar es Salaam this 15<sup>th</sup> day of December 2021.



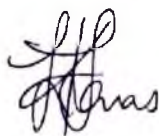
L. J. Itemba

**JUDGE**

15/12/2021

Ruling delivered today this 15<sup>th</sup> day of December 2021 in the presence of the applicants in person, Ms. J. Masue, SSA, and Ms. Eva Mapunda, RMA.

Right of appeal explained.



L. J. Itemba

**JUDGE**

15/12/2021

