

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(SONGEA DISTRICT REGISTRY)**

**AT SONGEA**

**MISCELLANEOUS CRIMINAL APPLICATION NO. 10 OF 2022**

**OSMUND JOFREY MWINGIRA ..... APPLICANT**

**VERSUS**

**THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP) ..... 1<sup>ST</sup> RESPONDENT**

**THE REGIONAL POLICE COMMANDER – RUVUMA ..... 2<sup>ND</sup> RESPONDENT**

**REGIONAL CRIMINAL OFFICER ..... 3<sup>RD</sup> RESPONDENT**

**OCD SONGEA DISTRICT ..... 4<sup>TH</sup> RESPONDENT**

**OC CID SONGEA DISTRICT ..... 5<sup>TH</sup> RESPONDENT**

**RULING**

**Date of last Order:** 15/06/2022

**Date of Ruling:** 15/06/2022

**MLYAMBINA, J.**

The Applicant through representation of learned Counsel Denis Lazaro had moved this Court by way of Chamber Summons made under *section 390(1)(a) and section 392A(1), (2) of the Criminal Procedure Act Cap. 20 [R.E. 2019]* seeking *inter alia*:

*That this Court be pleased to give direction to the Respondents that Osmund Jofrey Mwingira be brought up before the Court with competent jurisdiction to be dealt according to the laws of the land. The application*

*was supported with the affidavit of Counsel Denis Lazaro.*

On 15<sup>th</sup> June, 2022 when the application came for hearing, Senior State Attorney Tumaini Ngiluka for the Respondent informed the Court that the Applicant escaped while under lawful custody of Police Force on 9<sup>th</sup> June, 2022. In the light of the foregoing information, Counsel Denis Lazaro prayed to withdraw this application so that he can make follow up and verify its truth, a prayer which was not objected by Senior State Attorney Tumaini Ngiluka.

In the premises, and pursuant to *section 371(1) of the Criminal Procedure Act (supra)*, the application is hereby marked withdrawn at the instance of Counsel Denis Lazaro for the Applicant and Senior State Attorney Tumaini Ngiluka for the Republic.

Order accordingly.



**Y. J. MLYAMBINA**

**JUDGE**

**15/06/2022**

Ruling delivered and dated 15<sup>th</sup> day of June, 2022 in the presence of learned Counsel Denis Lazaro for the Applicant and learned Senior State Attorney Tumaini Ngiluka for the Respondents.



**Y. J. MLYAMBINA**

**JUDGE**

**15/06/2022**

A handwritten signature in blue ink, appearing to be "Y. J. Mlyambina", written over the printed name and date.