

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(SONGEA DISTRICT REGISTRY)

AT SONGEA

MISCELLANEOUS CRIMINAL APPLICATION NO. 15 OF 2022

ZUBERI HAJI HAULE..... APPLICANT

VERSUS

THE REGIONAL POLICE COMMANDER(RPC) RUVUMA.....1ST RESPONDENT

REGIONAL IMMIGRATION OFFICER RUVUMA REGION.....2ND RESPONDENT

REGIONAL CRIMINAL OFFICER(RCO) RUVUMA REGION..3RD RESPONDENT

OFFICER IN COMMAND SONGEA POLICE STATION.....4TH RESPONDENT

THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP).....5TH RESPONDENT

RULING

Date of last Order: 21/06/2022

Date of Ruling: 21/06/2022

MLYAMBINA, J.

The Applicant through representation of learned Counsel Alex Nyoni 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 Said Abed Hussen and Sitike Mwankusye be brought up before the Court to be dealt according to the laws of the land.

The application was supported with the affidavit of Zuberi Haji Haule who purported to be the brother and close relative of one Said Abed Hussen and Maneno Sitike Mwankusye.

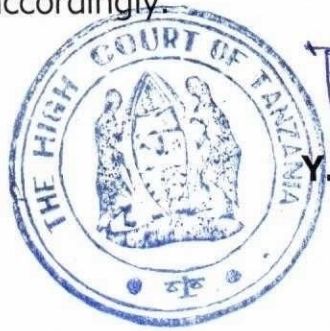
On 21st June, 2022 when the application came for hearing, learned State Attorney Generosa Montano for the Respondent informed the Court that the Applicants have been arraigned before the Resident Magistrate Court of Songea at Songea. In the light of the foregoing information, Counsel Alex Nyoni prayed to withdraw this application.

Having gone through the chamber application and its supporting affidavit, I have noted the application was made by the incompetent person. It is not the Applicant who was alleged to be under police custody. It is the findings of this Court that the application of this nature has to be made in the name of the person(s) who are alleged to be illegally detained by the Respondents. If this application was to proceed, the Court would not issue an order to the Applicant who is not alleged to be detained by the Respondents illegally.

Needless, given the fact that it is the Applicant who has prayed to withdraw his application and there being no objection from the Respondents, pursuant to *section 371(1) of the Criminal Procedure Act (supra)*, the application is hereby marked withdrawn at the instance of

Counsel Alex Nyoni for the Applicant and Learned State Attorney Generoza Montano for the Respondents.

Order accordingly.

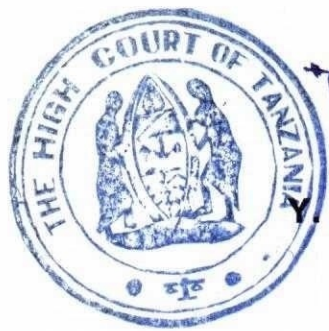


Y. J. MLYAMBINA

JUDGE

21/06/2022

Ruling delivered and dated 21st day of June, 2022 in the presence of learned Counsel Denis Lazaro for the Applicant and learned State Attorney Generoza Montano for the Respondents.



Y. J. MLYAMBINA

JUDGE

21/06/2022