

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(IRINGA DISTRICT REGISTRY)

AT IRINGA

MISC. CRIMINAL APPLICATION NO. 16 OF 2022

(Originating from Iringa District Court

Economic Case No. 10 of 2021)

SOKOINE NGAMBUSU @ NYIPEMBE ----- APPLICANT

VERSUS

REPUBLIC ----- RESPONDENT

Date of Ruling: 11/05/2022

RULING

MATOGOLO, J.

The applicant one SOKOINE S/O NGAMBUSU @ NYIPEMBE is arraigned in the District Court of Iringa with the offence of unlawful possession of Government Trophies contrary to Section 86(1) & 2 (b) of the Wildlife Conservation Act No. 5 of 2009, read together with paragraph 14 of the first schedule to and Section 57(1) and 60(1) and (2) of the Economic and Organized Crime Control Act, [Cap. 20 R.E. 2019]. It was alleged in the charge sheet that on 16th day of March, 2022 at Mapera mengi Village within the District and Region of Iringa, accused above

named was found in possession of five (5) pieces of Elephant Tusks valued at 140,250,000/= the property of the Government of the United Republic of Tanzania without any permit or licence thereof. The applicant has filed this application under Section 29(4)(d) of the Economic and Organized Crime Control Act, and Section 148(1) and (3) of the Criminal Procedure Act praying to be released on bail. The Respondent Republic Ms. Radhia Njovu learned State Attorney did not object the application. I have gone through the affidavit supporting the application the reasons applicant has advanced. The charged offence is bailable under the law. There is no facts availed to this court warranting denial of bail to the applicant. Provided that this court has powers to grant bail in respect of the charged offence, I grant the application. The applicant may be released on bail upon fulfilling the following conditions:-

1. As the value of the subject matter is Tshs. 140, 280,000/= thus above ten million shillings, the applicant has to deposit in court Tshs. 70,140,000/= cash half of that amount in terms of Section 36(5) of the above named Act.

ALTERNATIVELY

The applicant has deposit title deed of immovable a property of value not less than 70,140,000/=. The landed property must be free from any encumbrances and must be located within Iringa District. The applicant must have title deed to that property or any other recognized evidence of possession. The remaining amount the applicant will sign a bond.

2. Applicant must have two reliable sureties who will sign a bond of Tshs 1,000,000/= each.
3. The applicant should not leave Iringa Region without prior permission by the District Magistrate incharge of Iringa District.
4. The applicant should continue attending his case on the date place and time scheduled without fail.
5. The applicant shall not be released on bail until the sureties, bail documents and all other conditions are complied with and approved by the Deputy Registrar.

It is so ordered.




F. N. MATOGOLO
JUDGE
11/05/2022