

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

DC CRIMINAL APPEAL NO. 114 OF 2020

(Originating from Manyoni District Court in Economic Case No. 52 of 2017)

JUMA RAMADHAN KIBANGULA APPELLANT

VERSUS

THE REPUBLIC RESPONDENT

8/4/2022 & 21/4/2022

JUDGMENT

MASAJU, J

The Appellant, Juma Ramadhan@Kibagula, who was arrested in at Kipili village within Sikonge District in Tabora Region allegedly for the economic offence of UNLAWFUL POSSESSION OF FIREARM, was charged with, tried and convicted of eight (8) counts of economic Crimes in the District Court of Manyoni District within Singida Region of the economic offences, namely UNLAWFUL POSSESSION OF FIREARM (2 Counts), UNLAWFUL POSSESSION OF WEAPON IN CERTAIN CIRCUMSTANCES (3 counts), UNLAWFUL DEALING IN GOVERNMENT TROPHY, (3counts). He was sentenced to serve twenty (20) years imprisonment on each count, the sentences thereof running consecutively. That is to say he had to serve 160 years imprisonment. Hence, the appeal in the Court against the conviction and sentence thereof.

When the meritorious appeal was heard in the Court on the 8th day of April, 2022, the layman Appellant appeared in person. He just adopted his ground of appeal in the Petition of Appeal to form his submissions in support of the appeal in the Court. He prayed the Court to allow the appeal, for he had not committed he impugned economic crimes.

The Respondent Republic, in the service of the learned State Attorney, Ms. Neema Taji, did support the appeal in the Court reasoning that the prosecution evidence was too wanting to prove the prosecution case beyond reasonable doubt in light of the apparent contradiction amongst the prosecution witnesses as to whether or not the alleged Firearm was found at the Appellant's home and seized accordingly when he was searched. That, there was also no evidence in support of economic, offence of DEALING IN GOVERNMENT TROPHY.

The Respondent Republic added that the trial Court, the District Court of Manyoni lacked competence to try the economic crime, for the Appellant had been arrested in Sikonge District Tabora Region for UNLAWFUL POSSESSION OF FIREARM. That the trial against the Appellant was therefore a nullity, having contravened section 29(1) of the Economic and Organized Crime Control Act, [Cap 200].

The Court appreciates the Respondent Republic's position on this meritorious appeal. And so, without further ado, the Court takes no issues with the submissions made by both parties to the appeal. According to section 29(1) of the Economic and Organized Crime Control Act [Cap 200] the Appellant who was arrested in Sikonge District Tabora Region, should have been tried either in the District Court of Sikonge or in the Court of the Resident Magistrate of Tabora. So, the Appellant's trial in the District Court

of Manyoni, was a nullity as so rightly submitted by the Respondent Republic. That being the case, the Appellant's trial, proceedings, conviction and sentence in the District Court of Manyoni at Manyoni, severally and together, are hereby declared a nullity, quashed and set aside accordingly. The Appellant shall be released forthwith from prison unless there was a lawful cause to the contrary. There shall be no trial *denovo* against the Appellant on account of the same facts.




GEORGE M. MASAJU

JUDGE

21/4/2022