

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

**DC CRIMINAL APPEAL NO. 142 OF 2020**

(Originating from Manyoni District Court in Economic Case No. 68 of 2018)

**PAUL REMBRIS@TETEYO ..... APPELLANT**

**VERSUS**

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

*8/4/2022 & 21/4/2022*

**JUDGMENT**

**MASAJU, J**

The Appellant, Paul Rembris@Teteyo, was charged with, and convicted of economic offences of UNLAWFUL POSSESSION OF GOVERNMENT TROPHY and UNLAWFUL DEALING IN GOVERNMENT TROPHY. He was sentenced to serve twenty (20) years imprisonment on each count, the sentence thereof running consecutively. That is to say, the Appellant was to serve forty (40) years imprisonment.

The Appellant had been tried, convicted and sentenced in the District Court of Manyoni at Manyoni, within Singida Region whilst the impugned economic offences had allegedly been committed in Simanjiro District

Manyara Region where the Appellant was also arrested for the said economic offences.

The Appellant has been aggrieved with the conviction and sentence, hence the appeal in the Court taking issues with his conviction. When the appeal was heard in the Court on the 8<sup>th</sup> day of April, 2022, the layman Appellant appeared in person and adopted his grounds of appeal in the Petition of Appeal to form his submissions in support of the Appeal praying the Court to allow the appeal allegedly because he had not committed the impugned economic offences.

The Respondent Republic in the service of the learned State Attorney, Ms. Neema Taji, didn't contest the meritorious appeal on two grounds thus;

First, that the trial Court lacked jurisdiction of trying the offence, for the Appellant was arrested in Simanjiro District, Manyara Region where the impugned offences were allegedly committed. This is because according to section 29(1) of the Economic and Organised Crime Control Act, [Cap. 200] the Appellant, upon his arrest, should have been tried either in, the District Court of Simanjiro or the Court of Resident Magistrate of Manyara Region. That, the Appellant's trial, conviction and sentence in the District Court of Manyoni, Singida Region was therefore a nullity.

Secondly, that the would be influential prosecution exhibits P3, P4 and P5 were not read over to the Court upon its admission in evidence. That, the irregularity occasioned failure of justice, for the Appellant was deprived of the opportunity and right to know the contents of the said documentary evidence for the would be his well informed defence thereof. That, the said prosecution exhibits should therefore be expunged from the record of the

trial Court. That, once the same are expunged from the record of the trial Court the remaining evidence cannot sustain conviction, hence non proof of the offences beyond reasonable doubt.

The Court appreciates the submissions made by the Respondent Republic on this otherwise meritorious appeal. The Court is therefore of the considered opinion that in light of section 29(1) of the Economic and Organised Crime Control Act, [Cap 2002], the trial Court lacked jurisdiction to try the impugned economic offences against the Appellant. The trial, proceedings, conviction and sentence thereof were therefore a nullity.

There was also a fact that the prosecution Exhibit P3, P4 and P5 were not read over to the Court during the Appellant's trial, in the trial Court. The irregularity deprived the Appellant the right to know the nature of the prosecution's evidence against him for his well informed defence thereof, thereby occasioning failure of justice. That being the case, the said documentary evidence prosecution Exhibits P3, P4 and P5 together and severally are hereby expunged from the record of the trial Court. That done, the remaining prosecution evidence cannot sustain conviction. So, even on merit the prosecution case would not have been proved beyond reasonable doubt.

The irregularity on want of jurisdiction goes to the root of the trial. That being the case, pursuant to the Court's revisionary powers under section 372 of the Criminal Procedure Act, [Cap 20 RE 2019], the Appellant's trial, conviction and sentence in the District Court of Manyoni at Manyoni, Singida Region are hereby together and severally 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