

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

**(IN THE DISTRICT REGISTRY OF DAR ES SALAAM)**

**AT DAR ES SALAAM**

**MISCELLANEOUS CRIMINAL APPL NO. 176 OF 2021**

**(Arising from Economic Case No. 44 of 2021 pending for trial in the  
Resident Magistrate's Court of the Dar es Salaam Region at Kisutu)**

**BETWEEN**

**CAFT JOHN KILEO@ MKUU.....1<sup>st</sup> APPLICANT**

**GODFREY SAMWELI KASHULI@ KIDIZ.....2<sup>ND</sup> APPLICANT**

**RICHARD ANDREA KAFWA @ KIDIZI.....3<sup>rd</sup> APPLICANT**

**MOSES PAULO ZAKARIA @ RASS.....4<sup>th</sup> APPLICANT**

**BENJAMIN MPERWA LUSHINA @ MWIZA.....5<sup>th</sup> APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

**MRUMA,J.**

Following a complaint letter addressed to the Judge incharge dated 27.6.2022 which is to the effect that during consideration of bail conditions this court did not distribute equally and according to the law

the value of the trophy stated in the charge sheet so as to enable each accused to share it in consideration of their bail, I called for records for purposes of satisfying myself whether the complaints were correct. I also gave parties opportunity to address me on the complaint.

When the accused were given an audience to address me they told the court that they were unable to fulfil bail conditions because they have failed to obtain sureties with original documents exhibiting their possession of immovable property worth the value of the bond required.

Having considered their complaints this court is of the view that the bail conditions it set were reasonable and appropriate in the circumstances of the case. The only clarification that needs to be given is that the conditions to produce evidence of possession of immovable property did not require sureties to exhibit or produce original document of ownership. What the court ordered is for the intended surety or the accused himself produce evidence that he owns such immovable property.



A handwritten signature in blue ink, appearing to read "Mruma", written over a horizontal line.

**A.R.MRUMA**

**JUDGE**

**27/9/2022**

**ORDER:**

Records of Economic case No. 44 of 2021 should be remitted to the Resident Magistrate Court of Dar es Salaam at Kisutu for continuation.



  
**A.R.MRUMA**

**JUDGE**

**27/9/2022**

**27/09/2022**

Coram: Hon. A. R. Mruma,J.

For the 1<sup>st</sup> Applicant

For the 2<sup>nd</sup> Applicant

For the 3<sup>rd</sup> Applicant

For the 4<sup>th</sup> Applicant

For the 5<sup>th</sup> Applicant

Present

For the Respondent: Ms Wenslaus State Attorney.

Cc: Oscar.

**Court:** Ruling delivered.



A handwritten signature in blue ink, appearing to read "A.R. MRUMA".

**A.R.MRUMA**

**JUDGE**

**27/9/2022**

**ORDER:** Records of the trial court ie Economic Crime Case No. 44 of 2021 to be remitted to the trial Court.



A handwritten signature in blue ink, appearing to read "A.R. MRUMA".

**A.R.MRUMA**

**JUDGE**

**27/9/2022**