

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

**(IN THE DISTRICT REGISTRY OF KIGOMA)**

**AT KIGOMA**

**MISC. CRIMINAL APPLICATION NO. 11 OF 2022**

**SIMBA MKUYU-----APPLICANT**

**VERSUS**

- |  |   |                    |
|--|---|--------------------|
| <b>1. REGIONAL CRIME OFFICER (R.C.O) KIGOMA</b>    | } | <b>RESPONDENTS</b> |
| <b>2. OFFICER COMMANDING DISTRICT (OCD) UVINZA</b> |   |                    |
| <b>3. THE DIRECTOR OF PUBLIC PROSECUTION (DPP)</b> |   |                    |

**RULING**

28/7/2022 & 28/7/2022

**MANYANDA, J**

Simba Mkuyu, the Applicant, on 21/7/2022 filed this application for Habeas Corpus order under section 390(1) of the Criminal Procedure Act, [Cap. 20 R.E.2019] praying through his Counsel Mr. Daniel Lumenyela, among other things, that he be brought before this Court and the same make consequential orders releasing him at liberty for he is unlawfully detained in Police custody since 11/7/2022.



When the matter came before this Court today for hearing, the State Attorney, Ms. Edna Makala, for the DPP informed unofficially this Court that it has been ordered by the Police commanding chief of District that the Applicant be bailed out.

However, she was not sure whether the order has been executed.

From the wording of the State Attorney, this Court undertook to understand that the Applicant is in Police custody unlawfully. However, before unleashing its consequential order, it guided itself to have time for confirmation of the statement by the State Attorney. Hence it ordered adjournment albeit of short time in order to enable the State Attorney seek evidence of her averment.

When the matter came after the few hours of adjournment the State Attorney through the affidavit sworn by herself has informed this Court that it is true the applicant has been bailed out at 11:00 am today, he is now at liberty. She attached a copy of a bail sheet which indicate that a person known as Simba Mkuyu has been bailed and his surety is Simba Mkuyu himself.

Mr. Lumenyela concedes that the applicant Simba Mkuyu has been released on police bail today 28/7/2022 at 11:00 am; therefore, he prays the application be marked withdrawn.

I have gone through the affidavit by Edna Jackson Makala and the bail sheet attached to it, I am satisfied that the applicant, Simba Mkuyu, has been released on bail and he is at liberty now.

In the circumstances, the prayer to have the application marked as withdrawn is hereby granted.

Consequently, I do hereby mark this application as withdrawn for been overtaken by events. It is so ordered

Dated at Kigoma this 28<sup>th</sup> day of July, 2022



  
**MANYANDA**

**JUDGE**