

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

MISC. CRIMINAL APPLICATION No. 17 OF 2022

BETWEEN

ANDREA EDWIN KOMBA.....APPLICANT

VERSUS

- 1. OFFICER COMMANDING
STATION (SHINYANGA)**
- 2. INSPECTO GENERAL OF
POLICE (OF TANZANIA)**
- 3. REGIONAL POLICE COMMISSIONER
(SHINYANGA REGION)**
- 4. REGIONAL COMMANDER OFFICER
(SHINYANGA REGION)**
- 5. THE ATTORNEY GENERAL OF
TANZANIA**

..... RESPONDENTS



RULING

Last order date 21/10/2022

Ruling date 24/10/2022

MASSAM, J.

This is ruling in respect of the application brought under section 390[1] [a][b] section 391 of the Criminal Procedure Act [Cap 20 R. E 2022] and Rule 2 and 7 of the Criminal Procedure [harbeus corpus] rules GN No. 150 1930. The applicant filed this application under certificate of urgency for writ of Harbeus Corpus for [redacted] been unlawfully detained at the Central Police Station in Shinyanga for approximately five days without being released or being taken to the court to be dealt with according to law, and he is detained without any justiable cause or explanatory by the respondent.

In her chamber summons applicant pray to be heard exparte for following reliefs that (i), this honorable court to issue an order for the applicant to be brought before the honourable court and released on bail pending determination of the main application inter-parties (II), That in the alternative and without prejudice to paragraph [1] herein above this court to order the appearance of the respondent before this court to show cause



why the applicant who is unlawfully detained should not be set at liberty forthwith [iii] the honorable court be pleased to issue an order prohibiting the respondents from unlawfully detaining the applicant for longer period than permitted by the law. [iv] That the honourable court be pleased to issue an order compelling the respondents to discharge in line with applicable laws, [v] That this honourable court be pleased to order the respondents to pay compensation to the applicant for illegal and unreasonable detention of the applicant in their custody. and [vi] and other orders which this honorable court deems just and reasonable for the applicant.

Also, applicant pray to be heard inter parties as follows that the honorable court be pleased to order the respondent or any person acting on their behalf to bring the applicant to the High Court and give reasons why the same shall not be set at liberty or released on bail according to the laws of this good country,

(ii) That in alternative and without prejudice to para 1 hereinabove this honourable court be pleased to order the appearance of the respondent before this honorable court to



show cause why the applicant who is an unlawfully detained should not be set at the liberty forthwith.

(iii) This honourable court be pleased to issue an order prohibiting the respondent from unlawfully detaining the applicant for longer period than the permitted by the law.

(iv) That this honourable court be pleased to issue an order of compelling the respondent to discharge in line with applicable laws.

(v) That this honourable court be pleased to order the respondent to pay compensation to the applicant for illegal and unreasonable detention of the applicant in their custody.

(vi) And other order[s] which this honourable court deems just and reasonable for the applicant.

During the hearing of this application the applicant enjoyed the services of Ms. Maria Mwaselela and Shaban Mvungi the learned counsels while the respondents were represented by Mr. Solomon Lwenge SSA , George Kalenda and Musa Mpogole all State attorneys, Solomon Lwende



