

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF KIGOMA
AT KIGOMA**

MISC. ECONOMIC CRIMINAL APPLICATION NO. 10 OF 2021

(Arising out of Economic Case No. 10 of 2021 of the District Court of Kigoma)

PASCHAL WILSON.....APPLICANT

VERSUS

THE REPUBLIC..... RESPONDENT

RULING

Date of Last Order: 07/02/2022

Date of Ruling: 11/02/2022

F. K. MANYANDA, J.

This ruling is in respect of an application for bail pending trial lodged by the Applicant, Paschal Wilson, hereafter referred to as the "Applicant".

On 07/02/2022, I granted bail to the Applicant and reserved my reasons which I now give.

The Applicant knocked the doors of this Court through the provisions of sections 29(4)(d) and 36(1) of the Economic and Organized Crime Control Act (EOCCA), [Cap. 200 R. E. 2019]. The application is made by way of a chamber summons supported with an affidavit sworn by the



Applicant Paschal Wilson. The Respondent, Republic didn't resist the application as they didn't file any counter affidavit.

In the affidavit it is deponed that the Applicant is charged with an offence of unlawful possession of government trophy of which monetary value as indicated in the charge is Tsh. 34,575,000/=.

Offences of unlawful possession of government trophy are also economic crimes under sections 57(1) and 60(2) read together with paragraph 14 of the First Schedule to the EOCCA.

It is on record also that the Applicant was arraigned before the District Court of Kigoma at Kigoma in Economic Case No. 10 of 2021.

The Applicant argued the application in person from Bangwe Remand Prison through video conference, while the Republic was represented by Mr Shaban Juma Masanja, learned State Attorney, also through video conference.

The Applicant submitted that he is charged with a bailable offence, that he has reliable sureties and undertakes to meet bail conditions that

may be imposed on him which include availing himself to the court whenever is so required.

On his side, Mr. Masanja, had no word to add or deduct from the Applicant's submissions. He conceded on the position of the law as to bail in economic crimes. He had no any objection to the bail but craved for bail conditions in accordance with the law.

Having heard the counsel for both sides, I find that bail is open to the Applicant. I say so because after going through the affidavit and the charge sheet annexed to it, I find, as a matter of facts and law, the offence isailable.

Pursuant to the provisions of section 29(4)(d) of the EOCCA. It is the High Court which is empowered to grant bail where the monetary value of the subject matter exceeds Tsh. 10 million.

In the circumstances I am fully satisfied that the Applicant has rightly moved this Court to grant the requested bail. Further to that I am also satisfied that the Applicant has advanced good grounds for grant of the bail.

Consequently, I make the following orders: -

1. Bail is granted to the Applicant Paschal Wilson pending the trial of Economic Crimes Case No. 10 of 2021 of Kigoma District Court on the following conditions: -

(a) As the charge involves actual money of the amount of Tsh 34,575,000/=, the Applicant is by operation of the law, required to deposit cash or property immovable or movable one, equivalent of half the value contained in the charge amounting to Tsh. 34,575,000/=. For clarity, if half of that amount is deducted, then the amount the Applicant is required to deposit as security is Tsh 17,287,500/= or property immovable or movable of that value.

(b) Two reliable sureties each one of them executing a bond of Tsh 1,000,000/= and both must be residents of Kigoma Region.

(a) The Applicant will have to report to the Office of the Regional Crimes Officer (RCO) at Kigoma Regional Head Office of Police on each last working day of a month starting from March, 2022.

2. In order to ensure compliance of these conditions I further make the following orders: -

- (a) This file be placed before the Deputy Registrar (DR) for him to supervise implementation of the bail conditions stipulated above.
- (b) A typed copy of this order and proceedings be supplied to the trial court of Kigoma District Court for record purpose.
- (c) Another typed copy of this order and proceedings be supplied to the RCO of Kigoma for reporting follow up.

Order accordingly.




F. K. MANYANDA

JUDGE

07/02/2022