

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

(DISTRICT REGISTRY OF MTWARA)

AT MTWARA

CRIMINAL APPEAL NO. 76 OF 2021

*(Originating from Criminal Case No. 60 of 2021 at Tandahimba District Court at
Tandahimba)*

MOHAMEDI ALLY KANDURUAPPELLANT

VERSUS

THE REPUBLIC..... RESPONDENT

Date of last order: 24/02/2022

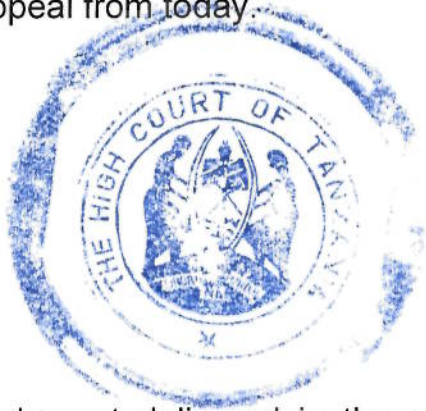
Date of Judgment: 31/03/2022

JUDGMENT

Muruke, J.

The appellant Mohamedi Ally Kanduru, was charged and convicted with two offences, the first offence is burglary contrary to section 294(1)(a) and (2), second offence is rape contrary to section 130(1)(2) (e) and 131(1) of the Penal Code, Cap 16 R.E 2019, thus convicted to serve six months for the first offence and thirty (30) years for the second offence with a compensation of 1,000,000/= to the victim. Being dissatisfied, he filed present appeal raising eight grounds.

On the date set for hearing, respondent was represented by Ajuaye Bilishanga, Principal State Attorney, while the appellant was unrepresented, he thus prayed for his grounds of appeal to be received as his submission in chief, and reserve his right to make rejoinder where need arise. After conclusion of hearing and in the course of composing judgement I realized that appeal is improperly filed. This appeal does not show when was filed and received. There is nowhere indicated in the petition of appeal that it was received by any officer of the court. That is not proper. Petition of appeal is improperly filed for appeal purposes. In short, appeal is struck out for being improperly filed. This matter having been raised by the court *suo mottu*, and bearing in mind appellant right to be heard, appellant is granted 45 days within which to file fresh appeal from today.



A handwritten signature in blue ink, appearing to read "Z.G. Muruke".

Z.G. Muruke

Judge

31/03/2022

Judgment delivered in the presence of appellant in person and Kauli George Makasi, Senior State Attorney for the respondent.



A handwritten signature in blue ink, appearing to read "Z.G. Muruke".

Z.G. Muruke

Judge

31/03/2022