

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

**(DODOMA DISTRICT REGISTRY)**

**AT DODOMA**

**DC CRIMINAL APPEAL NO. 90 OF 2022**

(Originating from Singida District Court at Singida in Criminal Case No. 53 of 2022)

**INYASI NATAL@JINGU ..... APPELLANT**

**VERSUS**

**THE REPUBLIC..... RESPONDENT**

**JUDGMENT**

*23/2/2023*

**MASAJU, J.**

The Appellant, Inyasi Natal@Jingu, was charged with and convicted of **UNLAWFUL TRAFFICKING IN NARCOTIC DRUGS** contrary to section 15A (1) (2) (c) of the Drug Control and Enforcement Act, [Cap 95 RE 2019] upon his own plea of guilty before the District Court of Singida at Singida. He was sentenced to serve thirty (30) years in prison. He has since appealed to the Court against the conviction and sentence thereof alleging that he was denied of fair trial and that his plea was equivocal.

The appeal was called upon for hearing today the 23<sup>rd</sup> day of February, 2023 in the presence of the Appellant in person and the learned Senior State Attorney, Mr. Leonard Chalo, for the Respondent Republic. The layman Appellant just prayed to adopt the grounds of appeal to form his


submissions in support of the appeal and prayed the Court to allow the appeal accordingly. The Respondent Republic did not take issues with the appeal whilst arguing that the facts of the case which was read over to the Appellant before the trial court in support of the charge against the Appellant did not prove the offence and the charge the Appellant allegedly pleaded guilty of. That, there was no Government Chief Chemist Report to prove that the alleged drug was indeed bhang (Narcotic Drug). The alleged bhang itself was not tendered before the trial court for admission in evidence. That, even the name of the Appellant was not stated in the impugned facts of the case. That, the Prosecution Exhibit (Certificate of Seizure and the Letter by the Weight and Measurements Agency Singida) Collective Exhibit "P1", were not read over to the Appellant before the trial Court upon its admission in evidence so as to afford the Appellant with the right to know its substance prior to his endorsing the facts of the case whose charge he had allegedly entered plea of guilty. The Respondent Republic was of the considered opinion that the Appellant's plea of guilty to the charge against him before the trial court was equivocal, hence not worth of grounding his conviction.

The Court is of the considered position that the appeal is meritorious as per the parties submissions in support of the appeal. The Respondent Republic has said it all. The Court agrees *in toto* with the parties that the

Appellant's purported plea of guilty to the charge was equivocal, hence not worth of grounding conviction.

The meritorious appeal is therefore hereby allowed. The conviction and sentence of thirty (30) years imprisonment respectively against the Appellant are hereby quashed and set aside. The Appellant shall be released forthwith from prison unless there was a lawful cause.



  
GEORGE. M. MASAJU

**JUDGE**

23/2/2022