

IN THE HIGH COURT OF TANZANIA
(MTWARA DISTRICT REGISTRY)

AT MTWARA

MISC. CRIMINAL APPLICATION NO. 57 OF 2022

(Originating from Criminal Appeal No. 72 of 2021 in the High Court of
Mtwara at Mtwara)

REPUBLIC.....APPLICANT

VERSUS

ISSA OMARI MAGWIRA 1ST RESPONDENT
MOHAMED ABDULRAHMAN NJENGA 2ND RESPONDENT
JUMA LUPANGA WANGONDO 3RD RESPONDENT
JAFFARI HAMIS MTONDO 4TH RESPONDENT
AHMAD ALPHAN SALUM 5TH RESPONDENT

RULING

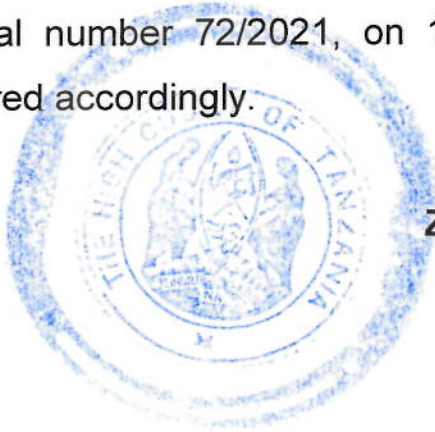
Muruke, J.

Applicant, filed present application for review of proceedings and judgment of this court dated 29/07/2022, in criminal appeal number 72/2021. Both applicant and respondent counsels supported the review on the error on the face of the records. Indeed, basis of the decision dated 29/07/2022, subject of this review, is that, appellants now respondents were charged under none existing law, at the trial court, as a result, proceedings, and judgment were quashed and sentence set aside. It was then ordered, case to start a fresh at trial court. That was wrong, because the law used in the



charge sheet exists, in the terms of Government Notice number 79 published on 20th January 2017.

Thus, decision dated 29th July 2022 and order for re – trial both are quashed. Criminal appeal no 72/2021, is restored. Status of the respondents to remain as prisoners, pending hearing of their Criminal Appeal number 72/2021, on 17th January 2023. Application is allowed. Ordered accordingly.



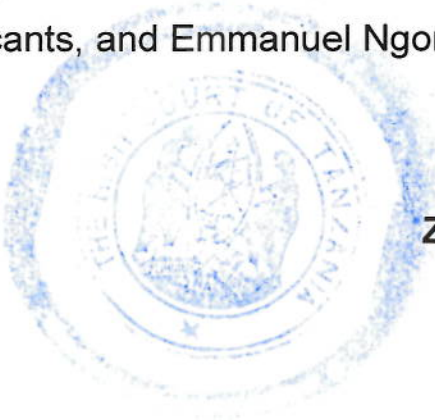
A handwritten signature in blue ink, appearing to read 'Z. G. Muruke'.

Z. G. Muruke

Judge

03/01/2023

Ruling delivered in the presence of Enosh Kigoryo State Attorney for the applicants, and Emmanuel Ngongi Advocate for the Respondents.



A handwritten signature in blue ink, identical to the one above.

Z. G. Muruke

Judge

03/01/2023