**IN THE UNITED REPUBLIC OF TANZANIA**

**IN THE HIGH COURT OF TANZANIA**

**IN THE SUB-REGISTRY OF MTWARA**

**AT MTWARA**

**CRIMINAL APPEAL NO. 9 OF 2023**

(Originating from District Court of Mtwara at Mtwara in Criminal Case No. 2 of 2021)

**THE DPP ---------- APPELLANT**

**VERSUS**

**MT. 95850 CPL. SHAIBU YUSUPH SAID ---------- 1ST RESPONDENT**

**SELEMANI HAMIS BAISE ---------- 2ND RESPONDENT**

**BAHATI JOSEPH ADUMA ---------- 3RD RESPONDENT**

**FRANK KASIMILI MDUMA @ MATOPOLA ---------- 4TH RESPONDENT**

**JUDGEMENT**

*Date of last order: 05.02.2024*
*Date of Judgement: 03.04.2024*

**EBRAHIM, J.:**

The respondent herein MT. 95850 CPL Shaibu s/o Yusuph Said a JWTZ (TPDF) Soldier and 3 others in the District Court of Mtwara were

charged with five counts to wit; **one** soliciting the commission of an offence contrary to **section 390 and 35 of the Penal Code [Cap. 16 R.E 2019]**, **two** kidnapping or abducting a person with the intent to harm contrary to **section 250 of the Penal Code [Cap. 16 R.E 2019]**, **three** unnatural offence contrary to **section 154 (1) (a) of the Penal Code [Cap. 16 R.E 2019]**, **four** unlawful taking of video of the victim of crime contrary to **section 162 (1) (a) and (3) of the Penal Code [Cap. 16 R.E 2019]** and **five** indecent communication of video contrary to **section 162 (1) (b) of the Penal Code [Cap. 16 R.E 2019]**. The 1st respondent was charged with all five counts, the 2nd respondent was charged with the third and fifth counts, 3rd and 4th respondents were jointly charged with third count only.

According to the charge sheet, the offences under counts three and four were alleged to be committed on 4th day of January 2021 in Ludipe area within the District and Region of Mtwara while other counts (i.e., count one and two) were alleged to have been committed on 4th day of January 2021 at Mbae area within the same District and Region and count five was alleged to be committed on diverse dates of 4th and 8th January 2021 within the same District and

Region. They all pleaded not guilty to the charge. After conducting a full trial, the trial court found that the 2nd charge was proved against the 1st respondent and the third count was proved against the 3rd respondent. The trial court therefore acquitted the 2nd and the 4th respondents but convicted the 1st and 3rd respondents. The trial court thus sentenced the 1st respondent to pay a fine of TZS. 1,000,000/= or serve a prison sentence of twelve (12) months in default thereof. As for the 3rd respondent he was sentenced to serve thirty (30) years imprisonment.

Dissatisfied with the decision of the trial court the appellant preferred five grounds of appeal as follows:

1. *That, the Honorable trial Magistrate grossly erred both in law and fact by holding that the offence of unnatural offence was not proved against the 1st, 2nd and 4th respondents;*
2. *That, the Honorable Magistrate grossly erred both in law and fact by holding that the offence of soliciting the commission of an offence, unlawful taking of videos of a victim of crime and indecent communication of video was not proved against the 1st respondent and acquitted him;*
3. *That, the Honorable Magistrate erred in law and fact by holding that the offence for failure to properly evaluate and appreciate the prosecution evidence;*
4. *Having held that the 1st respondent was guilty of kidnapping or abducting the victim with intent to do harm, the trial Magistrate*

*erred in law and facts for failure to invoke the doctrine of common intention.*

5. *That, the Honourable trial Magistrate erred in law and fact for failure to award any compensation to the victim.*

At the hearing of the appeal the appellant prayed to withdraw the appeal against the 3rd respondent and exparte hearing against the 2nd respondent. On 05.02.2024 the prayer was granted and the appeal was withdrawn against the 3rd respondent and proceeded exparte against the 2nd respondent after he failed to enter appearance before the court despite being served via publication. At the hearing, the appellant/DPP was represented by Mr. Rugaju, learned State Attorney. 1st and 4th respondents were represented by Mr. Rainery Songea, learned advocate.

In supporting the appeal, Mr. Rugaju prayed to argue the 1st and 4th grounds of appeal together and opted to abandon the 2nd ground of appeal.

He submitted that the evidence adduced by PW1 (the victim) at the trial court was enough to prove the offences beyond reasonable doubt in considering how the incident occurred. He referred to pages 25-27 of the typed proceedings where PW1 told the trial court how the

1st respondent took him from his house by using his car and showed the messages that he sent to the 1st respondent's wife. He contended also that PW1 was able to identify people who sodomised him after he the sulfate bag which he was covered was removed with because there was moonlight and the light from the car. He said they were also near him. He said among them were the 1st, 2nd, and 4th respondents and others whom PW1 did not know their names. He added that PW1's evidence was corroborated by PW3 (doctor) who proved that PW1 was sodomised as he had bruises in his anus. According to Mr. Rugaju, prosecution's evidence was enough. To cement his argument, he referred this court to the case of **Selemani Makumba vs Republic** (Criminal Appeal 94 of 1999) [2006] TZCA 96 (21 August 2006) at page 8 which held that the best evidence in sexual offences comes from the victim. He contended further that the trial court was supposed to invoke the doctrine of common intention to convict the 1st, 2nd, and 4th respondents on unnatural offence in terms of **section 23 of the Penal Code [Cap. 16 R.E 2022]** and that all the respondents were at the crime scene gathered by the 1st respondent.

As to the 3rd ground of appeal, Mr. Rugaju submitted that the trial court judgement believed the evidence of PW1 that he was kidnapped but it did not connect that evidence on unnatural offence in respect to the 1st, 2nd, and 4th respondents. Moreover, at page 36 of the impugned judgement, the trial court showed how PW16 recorded the cautioned statement **(exhibit P11).** Mr. Rugaju argued also that the 2nd respondent admitted to have been found with his co-accused who sodomised PW1 (the victim) and he mentioned their names. He argued that if the trial court could have properly evaluated the evidence in terms of common intention it would have convicted the respondents. He referred to page 37 of the impugned judgement the trial court which cited the case of **Peter Sanga vs. R**, Criminal Appeal No. 78 of 2004 (unreported) where it held was he that an accused who confesses to his guilt is the best witness. So, the said confession would have been used to convict the respondents on unnatural offence argued Mr. Rugaju . Mr. Rugaju also referred to the case of **Rabieth Famuel Rashid @Mgonja vs. R**, Criminal Appeal No. 56 of 2019.

As for the 5th ground of appeal, Mr. Rugaju submitted that due to the humiliation done to the victim, in terms of **section 348A of the Criminal**

**Procedure Act, Cap. 20 RE 2019**, the trial Magistrate was supposed to order compensation. He submitted that the victim was entitled to be compensated once the accused was convicted. He further prayed for the court to issue an order for compensation.

In turn, counsel for the 1st and 4th respondents generally argued to the principle that the best evidence comes from the victim of the sexual assault. He stated however that for the principle to apply the victim must be a credible witness. He posed a as to the credibility of **PW1** and whether the offence was committed?

Mr. Songea submitted that from prosecution evidence, the incident occurred at night and the identification was not proved as per the guidelines set in the case of **Waziri Amani vs. R**, [1980] TLR 250. He referred to page 31 of the typed proceedings where PW1 testified that he was left at the shop at Mkanaledi around 0000hrs at a distance of 18 meters from the road where there was electricity light. He commented however that PW1 did not say how intense the light was. He further referred page 30 of the typed proceedings where PW1 admitted to have deceived his uncle Ally Manzi that he was not

sodomized. Reflecting on the testimony of PW1, Mr. Songea concluded on the point that PW1 could also deceive the court, hence he is not a credible witness. He cited to the case of **Jadili Muhumbi vs. R**, Criminal Appeal No. 229 of 2021 at page 8. Mr. Songea further pointed out at the statement of PW2 at page 35 of the typed proceedings when he said that he did not believe what PW1 was saying. He also pointed out the discrepancy in the testimony of PW1 who said that when he was taken from home he was handcuffed while PW5 whom they were together spoke of a different story that no one in the car was handcuffed, beaten or threatened. He thus distinguished the principle in **Seleman Makumba's case (Supra)** with the circumstances of this case.

He further reminded this court to use its power to evaluate the credibility of a witness even at this appellate stage from the coherence of the testimonies of the witnesses and the evidence presented as stated in the case of **Ally Abdallah Rajabu vs. Saada Abdallah Rajabu and Others** [1994] TLR 132. Mr. Songea challenged the testimony of PW1 that he did not see the person who recorded the video as he was covered with the sulfate bag; and that in re-

examination, PW1 said that the light was white which creates uncertainty as to the accuracy of the light.

Mr. Songea submitted also that the evidence of PW3 a doctor is clear that he examined PW1 after three days and he said that at that time there was no accurate results and some examinations cannot be done. He pointed out that PW3 said much as bruises can be seen but other diseases can as well cause bruises in the anus. He added that in the re-examination, PW3 said "bawasiri" is a disease that causes abnormality. He concluded on the point thus, as the evidence of PW3 is not conclusive, it does not support the unnatural offence and the court can only rely on the evidence of PW2 who was at the scene. He argued however that the evidence of PW2, PW3 and PW5 were not consistent.

In addition, Mr. Songea commented that whilst the incident took place on 04.01.2021 but it was reported on 07.01.2021 posing a question as to where was the complainant at all that time?

Responding on the issue of the doctrine of common intention, he submitted that the doctrine is only applicable if there is proof that the

respondents were present and committed the offence. Thus, since the identification was not watertight and the credibility of PW1 is shaking, the doctrine of common intention could not be applicable and there was no direct witness to prove the offence, insisted Mr. Songea.

Submitting on the issue of compensation, Mr. Songea contended that it could only be granted if there was proof that the respondent was identified to have committed the offence alleged. He referred to the case of **R vs. Elias Mwaitambila and 3 Others**, Criminal Session Case No. 10 of 2019, HC-Mbeya page 5.

In his rejoinder submissions, Mr. Rugaju while trying to respond to the issues raised by the 1st and 4th respondents' advocate, essentially, he reiterated his submissions in chief. He added that in the re-examination PW3 did not say if PW1 had "bawasiri". He insisted that the issue of common intention could be associated with the cautioned statement of the 2nd respondent and that there was no need for corroboration because it was the evidence taken by PW16. He was firm that the doctrine of common intention was supposed to be used in considering the abduction and exposure of the victim to

the incident by the respondents. He insisted that the evidence was concrete to prove the offence of unnatural offence.

I have carefully followed the rival submissions by the parties and gone through the records of the trial court.

Generally, the appellant's complaints are based on evaluation of evidence and award of compensation to the victim. While the appellant is of the view that the prosecution proved the case to the required standard, the 1st and 4th respondent's counsel is maintaining that there was no enough evidence to support the conviction.

Cognizant of the fact that this is the first appellate court I am allowed to step into the shoes of the trial court and make evaluation and analysis of evidence as illustrated in the case of **Mzee Ally Mwinyimkuu @ Babu Seya vs Republic** (Criminal Appeal 499 of 2017) [2020] TZCA 1776 (17 September 2020). I therefore find it apt to revisit the evidence on record.

In essence the appellant is complaining that the trial Court was supposed to find the 1st, 2nd and 4th respondents guilty and convict them of the unnatural offence. The appellant also is complaining that

the trial court was supposed to award compensation to the victim. As appellant opted to abandon the 2nd ground of appeal, this court is therefore enjoined to determine two issues as follows:

i.) Whether the prosecution proved the 3rd count of the charge against the 1st, 2nd and 4th respondents; and

ii.) Whether the victim was entitled to compensation.

Starting with the first issue, the evidence by the prosecution can be gathered from the trial court record as follows:

**PW1,** the victim testified that on 04.01.2021 at about 1830hrs he called WEO and told him that he was not feeling well and asked for a rest day. WEO told him to call any other member from Mdui village government to take his position and it was when he called **Mohamed Munyuku (PW5).** PW5 arrived at the gate at 1900hrs and the victim went home. On the same day at 2000hrs, Mohamed **Ulaya (PW2)** went at PW1's home. PW2 knocked and on proving that it was PW2, PW1 opened the door and when he reached at the corridor suddenly 1st respondent invaded him as he was hiding at the back of PW1's house. 1st respondent handcuffed and told him (PW1) that "*tunaenda*

*kwenye kikao cha familia*". PW1 said he was taken at the corner where he found the 2nd respondent. PW1 testified to have known the 1st respondent for about 2 ½ years as his fellow militiaman. PW1 was taken to the 1st respondent's car where inside that car there were about four to five people among them was PW5. He entered into that car make Corolla and they went at a petrol station. At the petrol station, PW2 was present. When they reached Sogea area, the 1st respondent parked his car and took his mobile phone. He showed him the messages and told him that "*hii simu ni ya mke wangu, humu ndani mna message mlizokuwa mnachat*".

PW1 testified further that they went at Mailikumi village, where PW1 was ordered to get out of the car. The 4th respondent and other people whom he did not know where also present. He said he was kicked at the stomach, then 1st respondent took a sulfate bag from his car, covered him and tightened his feet. PW5 dropped from the car and they continued with the journey up to a place that he did not know as he was covered with a sulfate bag. Thereafter, the 1st respondent undressed his trouser. When refused, he was hit with a machete and he bent as ordered. He said they started sodomising

him one after another while recording him as he heard them saying "chukua vizuri hapo". After the incident, the sulfate bag was removed and he found himself at Mbawala village Machimbo ya mchanga. The first persons to see were the 1st and 4th respondents and other people whom he did not know their names. PW1 said he managed to identify them because of the moonlight, the car lights of the 1st respondent and the direct light of the mobile torch of the 1st respondent while telling him that *"yule na mimi hatuwezi achana wazazi hawaachani"*. The 1st respondent called PW2 and told him that they have finished the meeting safely so he is taking him back. They left the victim at the new bus stand where there was intense electricity light and he was able to identify again the 1st and 4th respondents. PW1 said he did not tell his family members and friends on what has befallen to him until 06.01.2021 when his uncle Ally Manzi called him for the second time and he advised him to report at the police and then go to the hospital. On 07.01.2021 at 0800hrs his uncle called him and told him to go to the police station, thereafter they went to the hospital. After the examination at the hospital, it was confirmed that he was sodomised.

Responding to the cross-examination question, PW1 testified that people who sodomised him were the 1st, 2nd, 3rd, 4th and 5th respondents.

In re-examination, PW1 testified that he failed to report the event immediately as he was embarrassed, humiliated and stressed.

**PW2, Mohamed Ulaya Mohamedi** testified that on 04.01.2021 he received a phone call from PW1 telling him that there is a person to arrest and for more information he should call the Education Coordinator. The Education Coordinator told him that for more information he should call the 1st respondent whom he called and at 2000hrs the 1st Respondent called him and told him that they should meet at Pacha ya Mbae area. They met and while in the 1st respondent's car, 1st respondent told him that his friend is having an affair with his wife. PW2 asked him *"mke wako gani Kulu?" and* the 1st respondent told him *"mwingine"*. So, he ordered PW2 to take him at the victim's home so that they can go and talk as a family. It was when they went to PW1's home and PW2 stood at the front of the house and started to call PW1. PW1 opened the door and went towards him.

Thereafter, the 1st respondent handcuffed the victim. He said the 1st respondent told PW2 not to follow them. It was about 2300hrs when the 1st respondent called and told him that they have finished talking as a family. PW2 testified further that he has known the 1st respondent since 2017 as TPDF military personnel. On the following day the victim called him at his home and told him about the ordeal on that night.

**PW3**, a doctor who examined PW1 testified before the trial court that on 08.01.2021 at 2000hrs at night while at his office there came a policeman with a patient named Salum (PW1). He was told that the victim was sodomised. After examining the victim, he found that the upper part of his anus had bruises. He further testified that even if the examination was done after three days still the bruises could be seen. He tendered **exhibit P1 (PF3)**.

**PW5, Mohamed Munyuku** testified to have known the 1st respondent as a TPDF personnel. On 04.01.2021 at about 1800hrs, PW1 called him to go and assist him at work as he was not feeling well. At 1900hrs, the 1st respondent went to their work place looking for PW1 but he told him he had already gone home. 1st respondent asked him to call him

so as to know where he is. The 1st respondent asked PW5 that they should follow the victim at his home but he told him he doesn't know PW1' place. The 1st respondent told him to call PW2 the friend of the PW1 to ask him where they were at Pacha ya Mbae. After their arrival, the 1st respondent, PW2 and one Mingalo (2nd respondent) went to PW1. After taking PW1 they all boarded the car and went at the petrol station for fuel. They left PW2 at the petrol station and they proceeded with the journey.

Responding to the cross-examination question PW5 told the trial court that he was there from the time they took the victim until they left him at the gate at around 2300hrs.

In his defence, the 1st respondent denied to have committed the unnatural offence. He testified also that there was no any witness who testified to have seen him sodomising PW1. He insisted that **exhibit P1** does not show penetration through the anus of PW1, rather PW3 said there were bruises which can be caused by an object.

4th respondent claimed to have been until beaten, he had to agree that he sodomised the victim. He however maintained his innocence.

It should be noted earlier that the incident began by PW2 going to the house of PW1 accompanied by the 1st Respondent. PW5 accompanied the 1st Respondent into going to get the information about PW1 and he also boarded the 1st respondent's car together with the 4th respondent. However, after the incident PW1 was with the 1st and 4th respondents. As per the trial court evidence it was clear that PW2 and PW5 were eye witnesses who saw the 1st respondent taking PW1 from his home. Also, the 1st respondent told PW2 that they are going with the victim for a family meeting but when he handcuffed him PW2 wondered which kind of a meeting they were going while PW1 was handcuffed? Furthermore, PW1 testified to have gone to an unknown place as he was covered with a sulfate bag with the 1st and 4th respondents and other people whom he did not know and after reaching there he was sodomised by those people. Again, PW1 in responding to cross-examination question he told the trial court that people who sodomised him were the 1st, 2nd, 3rd, 4th and 5th respondents but he did not know the names of those other respondents In re-examination PW1 testified to have been embarrassed and humiliated hence failed to report the event

immediately. Hence the reason that he went to report the incident after the advice from his uncle.

Apart from the observation above, the testimony of PW1 is corroborated by the testimony of PW2, PW3 (Medical Doctor) and PW5. PW3 also tendered PF3. The PF3 corroborated the testimony of PW1 since it entailed the observations which conclude that the victim was sodomised. Basing on the above prosecution evidence, the question is whether there is any reason for this court to disbelieve PW1. In answering to this question, I will be guided by the principle illustrated in the case **Goodluck Kyando v. Republic**, (2002) TLR 363 that;

> *"every witness is entitled to credence and must be believed and his testimony accepted unless there are good and cogent reasons for not believing the witness."*

In the instant case, apart from denying the commission of the offence, the 1st and 4th respondents did not seriously deny the testimonies of PW1. In light of the above, I have no strong reasons for disbelieving PW1 in considering the fact that his testimony married with the

testimonies of PW2 , PW3 and PW5. The version of PW1's evidence is corroborated with **exhibit P1** in showing that he was sodomised.

In this case, I am satisfied that the evidence of PW1 coupled with **exhibit P1** and the sequence of events as explained by PW2 and PW5 from when the 1st respondent went to collect PW1 from his home to the telephone call he made to PW2 to confirm that the family meeting was over, I am of the firm position that there was enough evidence to establish the respondent's guilt beyond reasonable doubt. Deriving from as above, I find that prosecution managed to prove the third count beyond reasonable doubt.

The argument by the counsel for the 1st and 4th respondents on different names of PW1 is purely an afterthought and has no any bearing as at no particular time it was questioned that exhibit PF3 speaks of somebody else other than PW1 irrespective of the name appeared on it.

Moreover, as argued by Mr. Ragaju, there is no other evidence to suggest that PW1 could have gotten the bruises from "bawasiri" or any

other disease. I am therefore highly persuaded by the evidence of PW3 which corroborate the evidence of PW1 that he was sodomised.

As for the issue of identification, in actual sense in so far as the 1st respondent is concerned it is the issue of recognition. All three prosecution witnesses i.e., PW1, PW2 and PW5 know the 1st respondent well and he was the one who collected PW1. I am aware that the law, even in case of recognition still requires the circumstances to be conducive to avoid mistaken identity. In this case, PW1 was in the hands of the 1st respondent and his gang from around 2000hrs to 2300hrs when they blinded him with the sulphate bag. Infact they travelled a distance together. Furthermore, PW1 explained thoroughly that there was moonlight and the place where they dumped him had intense electrical light. Given the circumstances of this case and the overwhelming evidence, I see no issue on mistaken identity rather a well laid plan to commit a crime.

Hence, an application of the doctrine of common intention well suited. The law, i.e., **section 23 of the Penal Code, Cap 16 RE 2022** reads:

*"23. **When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another,** and in the prosecution of such purpose **an offence is committed** of such a nature that its **commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence**".* [Emphasis is mine].

Explaining the doctrine of common intention, the Court of Appeal held in the case of **Shija Luyeko V. R** (2004) TLR 254 that;

> *"(1) That two or more persons, of whom the appellant was one, each formed an intention to prosecute a common purpose in conjunction with the other or other;*
> *(2) That common purpose was unlawful;*
> *(3) That the parties, or some of them, including the appellant, commenced or joined in the prosecution of the common purpose;*
> *(4) That, in the course of prosecuting the common purpose, one or more of the participants murdered the deceased;*
> *(5) That the commission of the murder was probable consequence."*

Tailoring the provision of the law and the above case law stance to the facts of our instant case, the 1st, 2nd and 4th respondents herein

together planned to execute unlawful purpose of sodomising PW1. Each one of the named respondent had a role to play in the commission of the offence. This is shown from their act of being in the car and taking PW1 to a faraway place where they did the unlawful act. It is crystal clear that all respondents were ready and prepared to execute their illegal plan. That being the case therefore, there is no degree or distinction on the level of their participation that everything began with the 1st respondent. I subscribe to the position of the Court of Appeal in the case **Nathaniel Alphonce Mapunda and Another V R**, [2006] TLR,395 where it was held that:

> *"The principle has always been that where a person is killed in the course of prosecuting a common unlawful purpose each party to the killing is guilty of murder".*

In this case the exculpatory evidence show that all the respondents participated in the unlawful act hence they sodomised PW1 irrespective of the role or level or participation.

In fact, **under Section 22 (a) (b) and (c) of the Penal Code, Cap 16, RE 2022**, each person who actually committed the offence; who does or omits to do any act for the purpose of enabling the commission of the

offence; who aids or abets another person in committing the offence; that person is deemed to have taken part in committing the offence and to be guilty of the offence. It follows therefore that the law, i.e. **Section 22 of Cap 16**, does not restrict the commission of the offence to the actual doer but to any person who aided and abetted the commission of the crime. From the above reasons therefore, I find that all the respondents are principal offenders irrespective of their role.

Going to the second issue on the award of compensation to the victim.

**Section 348A (1) and (2) of The Criminal Procedure Act [CAP. 20 R.E. 2019]** provides that;

> *"(1) Notwithstanding the provisions of section 348 of this Act, when a court convicts, an accused person of a sexual offence, it shall in addition to any penalty which it imposes make an order requiring the convict to pay such effective compensation as the court may determine to be commensurate to possible damages obtainable by a civil suit by the victim of the sexual offence for injuries sustained by the victim in the course of the offence being perpetrated against him or her.*

*(2) For the purposes of this section "sexual offence" means any of the offences created in Chapter XV of the Penal Code."*

Further to that compensation is among the Ancillary Orders. **The Tanzania Sentencing Manual for judicial officer, 2021 on page 29** states that;

*"a) Not applicable.*

*b) Compensation – compensation can be awarded to any person who has suffered personal injury or material loss in consequence of the offence and that substantial compensation would be recoverable in a civil suit. The court can award such compensation (in kind or in money) as it considers "fair and reasonable". **The awarding of damages to victims of a sexual offence is mandatory**. Compensation is not permitted for a capital offence."* [emphasize added]

Therefore, PW1 (the victim) is entitled to compensation.

Consequently, I allow the appeal, quash and set aside the trial court's findings of the 1st, 2nd and 4th respondents' acquittal on the unnatural offences. The 1st, 2nd and 4th respondents are found guilty on the third count as charged. I hereby convict and sentence the 1st, 2nd and 4th

respondents to serve the minimum sentence specified by the law of thirty years' imprisonment. In addition to that I order a compensation of TZS. 1,000,000/= from each respondent to PW1 making a total of Three Million (3,000,000/=) . The same to be realized forthwith.

In that aspect, a warrant of arrest is hereby issued to the 1st, 2nd and 4th respondents respectively.

Ordered accordingly.


**R.A Ebrahim**

**JUDGE**

**Mtwara**
**03.04.2024**