

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
CORRUPTION AND ECONOMIC CRIMES DIVISION

AT DAR ES SALAAM

MISC. ECONOMIC CAUSE NO. 63 OF 2018

(Originating from Economic Crime Case No. 49 of 2018
of Kilosa District Resident Magistrate's Court)

MIHAGWA HALAWA MBESHI.....APPLICANT

Versus

THE REPUBLIC RESPONDENT

R U L I N G

Date 22/11/2018

Korosso, J.

The application is filed pursuant to Section 29(4)(d) and 36(1) of the Economic and Organized Crime Control Act, Cap.200 RE 2002 by way of chamber summons supported by an affidavit sworn by Baraka Kapaniankira Lweeka, the advocate for the applicant. The relief sought is for this Court to be pleased to order the applicant be released on bail and any other order the Court may deem fit to grant or order.

The applicant's counsel submissions on the date of hearing, were for the Court to adopt the supporting affidavit and also to grant bail to the applicant as prayed. The applicant's counsel also conceded to the Jurisdiction of this Court to entertain the application, in view of the provisions cited to move the Court,

especially Section 29(4)(d) of the EOCCA Cap 200 RE 2002. The applicant's counsel also submitted that the applicant has available reliable sureties and will abide to all the conditions imposed by the Court if granted bail.

On the part of the respondents who were represented by Mr. Constantine Kakula, learned State Attorney, they did not register any objection and had waived their right to file a counter affidavit.

Having considered the submissions advanced by both counsels for the Respondent and the applicant, it is clear that the following matters are not disputed.

1. The competency of the application having been made pursuant to Section 29(4)(d) and 36(1) of the EOCCA Cap 200 RE 2002, and thus rendering the application competent
2. The Jurisdiction of this Court to entertain the application, by virtue of the fact that, the offence for which the applicant stand charged with an economic offence, that is, Unlawful Possession of Government Trophies, contrary to Section 86(1)(2)(b) and (3) of the wilding conservation Act, No.5 of 2009 read together with paragraph 14(d) of the first schedule to and Section 57(1) and 60(2) of the EOCCA Cap.200 RE 2002. The value of the charged property is Tshs. 11,585,600/= and thus above ten million shillings. There is also the fact that the applicant is charged in a pending case, Economic case No.49 of 2018 at the District Court of Kilosa at Kilosa which is yet to

undergo committal proceedings nor is it at the trial stage. All these factors leaves no doubt on the Jurisdiction of this Court to hear and determine the application and this Court is satisfied thus.

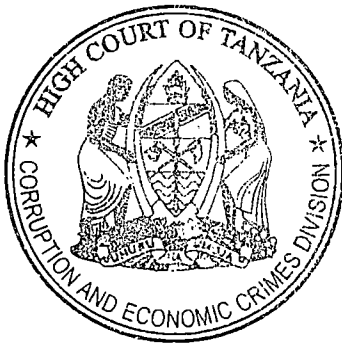
3. There is also the fact that the offence charged against the applicant is bailable, this fact has not been challenged by the respondents.

Therefore, delving on the above facts, and also the fact that the respondents have not submitted any objection to the application and the prayers sought, we find nothing to derail us in granting the prayers sought by the applicants. In the premises, MIHANGWA HALAWA MBESHI, the applicant, is admitted to bail upon fulfilment of the following conditions:

1. The applicant to deposit cash Tshs. 5,792,800/= or immovable property of equal value.
2. Applicant to provide two sureties, each surety to execute a bond of Tshs. 2,000,000/=. A surety must reside within the area in the vicinity of the Jurisdiction of this Court, and must be either an employee of the Government or her Institutions or possess a national identity Card issued by NIDA.
3. The applicant is not to leave the area within the vicinity of the Jurisdiction of this Court without authorization/permission from the Resident Magistrate, District Court of Kilosa at Kilosa.

4. Applicant to surrender all travel documents including passport to the Resident Magistrate, District Court of Kilosa at Kilosa.
5. Applicant to Report to the OC-CID Kilosa District, at a schedule to be designed by OC-CID Kilosa.
6. Verification of all bond documents and sureties related to the application shall be executed by the Resident magistrate, District Court of Kilosa.

Ordered.



Sgd: W.B. Korosso

JUDGE

22/11/2018