

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

**AT DAR ES SALAAM**

**ECONOMIC CASE NO. 39178 OF 2023**

**REPUBLIC**

**GASTONI MARTIN DANDA@JULIUS JAMES RUHINDA@PETER@JAMES**

**@ MARIAM @ GENERAL @ MIKE @ JULIUS**

**RULING**

**Last order: 19/12/2023**

**Date of ruling: 19/12/2023**

Before me is an exparte application for restraint Orders made under section 38(1) of the Proceeds of Crime Act (Cap. 256 R.E. 2022).

The applicant (DPP) is asking this court to issue a restraint order against the Respondent as follows: -

- 1. "A restraint order prohibiting the Respondent, his agent(s), or any person(s) acting on his behalf from disposing of or interfering with ownership, renting, and or lending/mortgaging with the properties listed hereunder: -*

- a) One motor vehicle with Registration number T. 348 DVF make Ford Ranger Orange colour*
- b) One commercial building located on plot no.235 block 10 Kigamboni area, Dar es Salaam.*
- c) One commercial building located on plot No. 144 block 14 Kibada area – Dar es Salaam.*

*2. An order directing the Executive Director of Kigamboni Municipal and Commissioner General of Tanzania Revenue Authority (TRA) not to approve any sale, disposition, or transfer of the properties mentioned in paragraph herein above.*

*3. Any other orders this honorable court may deem fit and just to grant."*

The application is supported by the affidavit of Colman Lubisi, a senior officer of the Prevention and Combating of Corruption Bureau (PCCB).

In the affidavit, the deponent has given an account on how the Respondent managed to create 67 accounts of fictitious employees at CRDB Bank PLC, Msasani Branch, which among them the 35 accounts received loan

amounting to one Billion five Hundred Thousand Tanzania Shillings (TZS. 1, 569,600,000/=).

That, the Respondent used part of the money he fraudulently acquired through the loan deposited in the factious bank accounts to purchase a motor vehicle with registration No. T. 348 DVF Make Ford Ranger, Orange colour worth TZS. 204, 378,735/=, acquired a landed property on plot No. 235 Block 10 Kigamboni, Dar es Salaam in the name of Delila Festo Ulomi as guardian of Sandra Gaston Danda a minor, acquired and developed a landed property on plot No. 144 Block 14, Kibada Dar es Salaam.

Further, the Respondent stands charged in the high court, Corruption, and Economic Crimes Division with the offence of Forgery, uttering of false documents, Money laundering, and occasioning loss to the specified Authority in Economic Case No. 28 of 2023.

Ms. Blandina Mnung'a, the State Attorney who appeared and represented the Republic submitted to the effect. She lastly asked the court to grant all orders because all the properties acquired and listed above are tainted properties.

Now, having studied the documents filed including the annexures and the submission by the learned State Attorney, I will pause here and consider whether the application is tenable in law.

According to the deposed facts in the affidavit, the above-stated properties were acquired through the allegedly fraudulently obtained money by the Respondent.

The learned State Attorney submitted that all are tainted properties and asked the court to issue a restraint order. I have very carefully and dutifully considered the application filed. Having been filed under section 38(1) of the Proceeds of Crime Act (Cap. 256 R.E. 2022), and since it is an ex parte application, I find the application meritorious and tenable in law. I grant the order asked and prohibit the Respondent, his agents, or any person acting on his behalf from disposing of, interfering with ownership, renting, lending, or mortgaging any of the properties stated above till the finalization or conclusion of economic case No. 28 of 2023 in this court.

Order accordingly



**G.N. Isaya**  
**Judge**  
**19/12/2023**