

IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA
THE CORRUPTION AND ECONOMIC CRIMES DIVISION
DODOMA SUBREGISTRY
AT DODOMA

MISC. ECONOMIC CAUSE NO. 12 OF 2018

*(Originating from Economic Case No. 19 of 2018 of the
District Court of Dodoma at Dodoma)*

PETER MANG'ATI.....APPLICANT

VERSUS

THE REPUBLIC.....RESPONDENT

RULING

18/5/2018:

F. N. MATOGOLO, J:

The applicant Peter Mang'ati is charged in the Resident Magistrate Court of Dodoma with three counts.

The first and second counts are in respect of unlawful possession of Government Trophies. The third count is for unlawful possession of the fire arms. He has filed this application for bail. The application is by chamber summons made under section 29 (4) (d)

and Section 36 (1) of the Economic and Organized Crime Control Act (Cap. 200 R. E. 2002) as amended by the Written Laws (Miscellaneous Amendments) Act, No. 6 of 2016, (but I think it ought to be Act NO. 3/2016). The application is supported by an affidavit of Sostenes Mselingwa advocate.

The applicant is praying to this Court to admit him on bail because the Resident Magistrate's court where he is now arraigned has no jurisdiction to entertain the application.

The respondent was served with the chamber summons and the accompanying affidavit and filed counter affidavit but which was withdrawn at the hearing.

The applicant is represented by Ms. Zainabu Mtoro learned advocate, Ms. Magoma learned State Attorney appeared for the Respondent Republic.

To argue the application, Ms. Zainabu learned advocate asked this Court to admit the applicant on bail because it is the Court with jurisdiction to deal with Economic Cases as the Court of Resident Magistrate has no such jurisdiction until when the Director of Public Prosecution has issued consent.

On her part Ms. Magoma learned State Attorney informed this Court that they have no objection to bail. But prayed to the Court

while setting conditions of bail to consider the nature of the offences the applicant is facing which are Economic Offences.

Having heard from the applicant advocate, Ms. Zainabu Mtoro, as well as from the learned State Attorney Ms. Magoma who did not object to bail. And after I have gone through the bail documents filed by the applicant, that is the chamber summons and an accompanying affidavit, first there is no doubt that this Court is properly moved due to the provisions used. But there is no any other facts available to this Court warranting denial of bail to the applicant.

Having considered all that, I grant the application. The applicant may be released on bail upon fulfilling the following conditions:-


1. The applicant shall execute bail bond in the sum of Tshs. 5,000,000/=.
2. The applicant shall produce two reliable sureties residents of Dodoma Region who each will sign a bond in the sum of Tshs. 3,000,000/=. The sureties must have fixed abode and of good reputation recognized in the society they are living.
3. The applicant shall continue to attend to his case up to its finalization.

4. The applicant should not leave Dodoma Region with permission from the Residents Magistrate incharge of the Court of Resident Magistrate Court Dodoma.

5. The Resident Magistrate incharge of the Court of Resident Magistrates Dodoma shall approve the sureties and all bail documents before the applicant is released on bail.

Ordered accordingly.




F. N. MATOGOLO
JUDGE
18/5/2018