

**IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA**

**MUSOMA SUB REGISTRY**

**AT MUSOMA**

**CRIMINAL SESSION CASE NO 131 OF 2022**

**REPUBLIC**

***VERSUS***

**1. NYAMTIMBA S/O MANYAMA**

**2. MNYAMBAYA D/O BONIPHACE**

**JUDGMENT**

24<sup>th</sup> February & 13<sup>th</sup> March 2023

**F. H. Mahimbali, J.:**

The accused persons in this case are charged on the 7th day December 2021 to have murdered one Nyakamande Busikimbe at Mayani village which is in Bunda District within Mara Region. This is an offence contrary to section 196 and 197 of the Penal Code, Cap 16, R.E 2019.

The facts leading to this murder case go this way. One Mnyambaya Boniphace @ Mnyambaya Bukene (herein the second accused person) had her husband died in November, 2021 mysteriously. She suspected the deceased person Nyakamande Busikimbe being responsible of the said death on witchcraft basis. On revenge, she hired Nyamtimba Manyama

(first accused herein) and her two sons who then executed the said murder against the deceased. Thus, the basis of this murder case in which both accused persons plead not guilty to the charge. The reason why these accused persons are implicated with this murder offence, the evidence of the case has the following explanations:

Mr. Juma Busikimbe (PW1), testified that the deceased is his elder brother who was murdered by unknown people on the 7<sup>th</sup> December 2021. That later, he associated the first accused being responsible with the said murder because he was boasting at local brew bars that he killed the deceased on the instructions of the second accused at the payment of 1,000,000/= . And by that time he had been in possession of one cell phone allegedly written NYAKAMANDE at its back cover and at the battery bed. When they made follow up after him, he escaped. Efforts to arrest him were then intensified.

PW2 is D/CPL Onesmo testified on 18/12/2021 together with Cpl Hamad, they had arrested the first accused person on the instructions of OC-CID (PW4) at Mugando Madukani while being attacked by mob people. Upon his arrest, the first accused admitted to have killed the deceased while being in a companion of other two men. They used axe and panga

(Exhibit PE3). When he informed the OC-CID about the successful arrest of the 1<sup>st</sup> accused person, as there were other two person not yet arrested, he (the OC-CID) directed that they should wait for him for his further interrogation.

PW3 - Zablon Olaf, is the medical practioner (Clinical officer) who conducted the post-mortem examination of the deceased's body on 08<sup>th</sup> December, 2021 who then established that the deceased's death was caused by severe haemorrhage due to severe three cut wounds on head caused by sharp objects (Exhibit PE1) and that death of it happened about 48 hrs ago.

The OC-CID of Musoma Police District - SP Sylvanus Matemu, testified in length about the whole murder episode. That on the 8<sup>th</sup> day of December, 2021, he had received a call from the Chairman of Mayani Village that at his village there was a murder incidence. He then went to the scene being led by that local leader (PW5), saw the body and the same was examined by PW3 and there after the statements of witnesses thereof were recorded. He testified further that how on 18<sup>th</sup> December 2021, he had received information about the presence of the first accused person at Mugando village and he organised his arrest via Cpl Onesmo and that the

first accused person was arrested. He went and interrogated him at Tegereuka police post. In his interrogation with the accused person, he came to establish the responsible persons of the said murder were four people (Mr. Nyamtimba, two sons of Mnyambaya Boniface and one facilitator – accomplice who is Mnyambaya Boniphace). The said accomplice is the second accused person who financed the said killing and supplied the murderers with the instruments of murder. While being led by the first accused person, they reached to the home of the second accused (Financier and mother of the sons – co murderers) where they recovered two instruments of murder (Exhibit PE3) and issued certificate of seizure (Exhibit PE2). Thereafter, they took accused the first accused person and the second accused (Mnyambaya) to Musoma Police Central Station where they reached there at midnight of 19<sup>th</sup> December 2021. As it was dark the whole of Musoma, he instructed D/Cpl Isaya to record the cautioned statement of Nyamtimba Manyama (1<sup>st</sup> accused) early morning at 06.30hrs which instructions were duly complied with by the said D/cpl Isaya who did so and tendered it as exhibit PE4.

Mr. Joshua Mugeta Nyachimogolo, testified as PW5. In essence his testimony is to the effect that he is the village chairperson of Mayani village

and that the duo accused persons are his villagers. That he knew the murder of the deceased Nyakamande Busikimbe and he sharply informed the OC-CID (PW4). That later he came to know about Mr. Nyamtimba being involved of the said murder of Nyakamande Busikimbe following the information he had received that the said Nyamtimba Manyama was organising the death plot of Mnyambaya Boniphace @ Mnyambaya Bukene on grievance that he was underpaid the remuneration of killing Nyakamande Busikimbe out of 1,000,000/= agreed. As village chair he had to organise his mgambo for purposes of arresting the said Nyamtimba Manyama. The arrest was not successful. He also informed the OC-CID (PW4) about Nyamtimba being associated with the said murder as per news in the street.

That when the said Nyamtimba Manyama was arrested on 18<sup>th</sup> December, 2021, he was later requested by OC-CID to join them in search. When he joined them, he saw Police being with the said Nyamtimba Manyama who then led them up to the home of Mnyambaya Boniphace @ Mnyambaya Bukene who was seen there out at her home. He testified that before reaching to the home of the said Mnyambaya Boniphace, he heard the said Nyamtimba explaining how he killed the deceased Nyakamande

Busikimbe being with two sons of Mnyambaya under the instructions of the second accused – Mnyambaya Boniface they went to the deceased's home and they used panga and axe to execute the said murder. When they reached the home of Mnyambaya who was outside by then, police introduced themselves and briefed the purpose of their visit and after all was well they started searching where they recovered two items: axe and panga (Exhibit PE3). The seizure certificate was then filled and dully signed by the host – Mnyambaya, first accused person – Nyamtimba Manyama and the witnesses (Joshua Mugeta Nyachimogolo and David Jumapili) which is exhibit PE2.

On their parts, Mr. Baraka Philipo Kajiru (PW6) and D/CPL Isaya (PW7), despite legal issues raised against their evidence, they tendered extra judicial and cautioned statements which were admitted as exhibits PE4 and PE5 respectively. In both statements, the first accused person admits killing the deceased in alliance with two sons of the second accused person and that the said Mnyambaya financed the killing of the deceased by issuing 1,000,000/= for committing the said murder and that she supplied the two weapons as instruments of the said murder which were recovered and admitted as exhibit of the case (Exhibit PE3).

In their defense, both accused persons disputed committing the said offence as charged. Whereas the first accused disputed being responsible of the said murder, he further disputed that he admitted anything before PW2, PW4 and PW5 and that he never admitted anything before PW6 and PW7 save that he was just made appear before them. Regarding leading them to the second accused Mnyambaya, he disputed that responsibility. And that regarding the search exercise, he disputed recovery of the said instruments (Exhibit PE3) from the home of Mnyambaya save that those instruments he had seen them while in the police vehicle heading to Mnyambaya's home. However during cross-examination, he ultimately confessed that what he had testified in court was not true against what he stated before PW2, PW4, PW5, PW6 and PW7.

On the other hand, the second accused person (Mnyambaya Boniphace @ Mnyambaya Bukene), first and foremost disputed being responsible of the said murder despite the fact that she knew the said deceased and that it is true, her husband died one month before the said murder of the deceased Nyakamande Busikimbe. Secondly, she disputed that there was recovered anything from her home as testified by PW4 and

PW5. On that, she accused police possibly had come with the said instruments allegedly used to commit the said murder.

During the final submissions, learned counsel for defense (Mr. Edson Philipo and Emmanuel Paul Mngárwe) were of the firm stand that the prosecution's case was not established beyond reasonable doubt as per law. That the only incriminating evidence against the accused persons is the confession and extra judicial statements of the first accused person. They are of the view that such evidence in the circumstances of this case needed corroboration. Otherwise, it is unsafe to act on it even if the Court has to warn itself.

On the other hand, Mr. Nchanila learned state attorney for the Republic, is of the view that as far as this murder charge is concerned, it is undisputed that the said Nyakamande Busikimbe is dead (testimony of PW1, PW3 and PW5). It is also undisputed that the said deceased died of unnatural death (exhibit PE1 and testimony of PW3). The dispute is on who killed the said deceased and whether there was malice afore thought. In consideration of the testimony of PW2, PW4 and PW5 (Oral confession), Mr. Nchanila was of the considered view that corroborated the evidence in exhibits PE4 and PE5. Therefore incriminating both to the accused person –

the confessor and the co-accused person (Mnyambaya Boniface @ Mnyambaya Bukene). On this, Mr. Nchanila relied the position taken by the Court of Appeal of Tanzania in the case of **Chamuriho Kirenge @ Chamuriho Julias V. The Republic**, Criminal Appeal No. 597 of 2017, CAT at Mwanza. Considering further the manner the said killing was executed, the murderers had malice aforethought.

That was all about the evidence and submissions of the case from both sides. The vital question now is whether on the basis of the prosecution's evidence, the offence of murder has been established beyond reasonable doubt that the accused persons in this charge are responsible.

In a clear digest and scanning of the prosecution's case, you will find that the whole case is staged on indirect evidence. I say so because there is no one amongst the prosecution's witnesses testified seeing any of the accused persons killing the deceased. The only evidence available is that of the confession statements made by the first accused person before PW2, PW4, PW5 and his recorded statements before PW6 and PW7 – Extra judicial statement and cautioned statements. However, there had been several legal disputes on the admissibility of the said extra judicial and cautioned statements (PE4 and PE5 exhibits). With the extra judicial

statement (Exhibit PE4), the contest has been whether the said statement was read over to the accused person (confessor) after being recorded. The said witness PW6 when testifying, elaborated that he had read over and explained to the accused person who then after being satisfied with its correctness, he signed. However, in scrutiny of the said document (exhibit PE4) the said words are missing despite the fact that there was accused person's signature appended on. Nevertheless, in my further scrutiny of the said document (PE4 exhibit), I saw the acronyms "I.K.S" which is the famous acronym at Primary Court standing for words "*Imesomwa na Kuonekana kuwa ni Sahihi*" closely meaning: Read over and found correct (ROFC). I was then satisfied that the said extra judicial statement was read over and explained to the accused person thus, meeting the mandatory legal requirement under regulation 9 of the Chief Justice's Circular Guide to Justices of Peace when recording Extra Judicial Statement. Part of the said extra judicial statement (PE4) reads:

*"... Mimi nakumbuka siku ya tarehe 7/12/2021, Bi Nyambaya Boniphace alitoa Tshs. 1,000,000/= ili tuende kumuua marehemu. Tulikuwa watu watatu: Mimi, Joackim Nyauri na Boniphace Nyauri Tuligawana mimi Tshs 300,000/= Joachim Tshs 350,000/= na Boniphace Tshs*

*350,000/= Baada ya hapo wale wenzangu walikimbilia Mwanza.*

*Tukio la mauaji tulifanya mimi na hao wenzangu ambao wamekwenda Mwanza. Kabla ya kupewa hela tulikutana na Nyambaya Boniphace alisema kuna kazi anataka atupe. Alsema huyo Mzee NYAKAMANDE BUSIKIMBE ni mchawi alimuua baba yake mzazi NYAURI BUSIKIMBE. Tulikubaliana kwamba atatupa hele Tshs 1,000,000/=. Baada ya makubaliano tulienda nyumbani kwa mzee NYAKAMANDE BUSIKIME ilikuwa saa 10 jioni.*

*Tulimkuta nyumbani kwake anaishi peke yake, hakuwa na mototo wala mke. Tulipomkuta tulimsalimia.*

*Tulipomaliza kumsalimia JOACKIMY alimtuma maji ya kunywa. JOACKIMU alikuwa ameshika shoka, baada ya kutoka ndani akiwa amebeba maji JOACKIM alimpiga shoka ya shingoni. Tuliendelea kumshambulia wote watatu. Mimi nilikuwa nimeenda na panga. Nilikuwa nampiga panga sehemu za kichwani. BONIPHACE NYAURI alikuwa anampiga mpini wa jembe kwenye kichwa. JOACKIM yeye alikuwa na shoka, tulimshambulia hadi akafa. Hakuna mtu yoyote aliyekuja kwa kuona pale ni polini. Alipigwa shoka 1 na kuanguka hakuna mtu aliyesikia. Sisi tuliondoka....”*

This is what is contained in the said extra judicial statement. It displays how clearly the said murder episode was executed by three men (two brothers not yet arrested).

The cautioned statement of the accused which was admitted as exhibit PE5 of the case equally faced legal objection during its admission

that it was recorded beyond basic four hours. That since the accused person was arrested at 14.00hrs of 18<sup>th</sup> December, 2021 however, his statement was recorded at 06.30 hrs of 19<sup>th</sup> December, 2021. The said recording contravened the mandatory provisions of section 50(1) of the CPA. With this objection, the Republic relied on section 50(2) and 51 (1) of the CPA justifying their delay that there was further investigation going on and that when the same was over, the recording could not start timely as it was midnight and that it was powerless the whole of Musoma on that time. With this legal objection, I was of the view that the OC-CID's powers envisaged under section 51. Of the CPA though enormous, does not extend to a situation of darkness unless the said recording had commenced. My construction to this scenario, should be considered (if established so) falling within the ambit of section 50 (2) of the CPA. I say so because the situations covered under section 50 (2) of the CPA, the list is not exhaustive. There are situations of sudden sickness of the accused person to be recorded, power cut out (for night incidences) and any other unforeseeable emergency incidences. To me, I considered the circumstances of this case, the said recording beyond basic four hours as not violative in the absence of strict counter proof that there was no power

as alleged. What is contained into the said cautioned statement, Exhibit PE5 is partly let to speak:

*"...Nakumbuka kuwa mnamo tarehe 7/12/2021 majira ya saa 14:40 hours nilikuwa huko maeneo ya MAYANI katika halmashauri ya Musoma vijijini wilaya ya Musoma na mkoa wa MARA ambapo tulikuwa nyumbani kwa NYAMBAYA d/o BONIPHACE na JOACKIM s/o NYAURI pamoja na BONIPHACE s/o NYAURI mabapo hapo niliitwa na JOACKIM s/o NYAURI na ndipo wakaniambia kuwa kuna kazi ya kufanya na kazi yenyewe ni kumuua NYAKAMNDE S/O BUSIKIMBE ambaye walidai kuwa amehusika kwenye mauaji ya baba yao aitwaye NYAURI s/o BUSIKIMBE kwa njia ya ushirikiana/kichawi hivyo nao wanalipiza kisasi ndipo **mama NYAMBAYA s/o BONIPHACE alitoa hela kiasi cha milioni moja kwaajili ya kazi hiyo** na niliambiwa mimi nitapatiwa laki tatu baada ya kukamilisha kazi hiyo. **Mama NYAMBAKA d/o BONIPHACE akanipatia mimi panga, JOACKIM s/o NYAURI akabeba shoka** na BONIPHACE S/O NYAURI akasema tuviweke kwenye ndoo ambapo alichukua yeye hiyo ndoo na tukaviweka humo na tukaongozana watu watatu na mama akawa amebaki pale nyumbani kwake tunaelekea kama tunaenda kisimani ambapo kisima hicho ni cha NYAKAMNDE s/o BUSIKIMBE na tulipita na kuelekea nyumbani kwake ambapo ilikuwa majira ya saa 16:00 hours na tulikumkuta akiwa amekaa nje kwenye kivuli anamenya mihogo tulimsalimia vizuri tukawa tunamsaidia kumenya mihogo na JOACKIMU s/o NYAURI akimuomba maji ya kunywa.*

*Akaenda ndani kufuata maji na ndipo JOACKIM s/o NYAURI alichukua shoka na mimi nikachukuwa panga na alipotoka kuja pale nje kutuletea maji **JOACKIM s/o NYAURI alimpiga na shoka shingoni** japo hakumkata kwa kuwa alitumia upande ambao hauna makali na alianguaka chini ndipo **nikamkata na panga kichwani mara moja** na **JOACKIM s/o NYAURI akaendelea kumkata kichwani kwa kutumia shoka ambapo alimkata kama mara mbili na BONIPHACE s/o NYAURI yeye alikuwa akimpiga mgongoni kwa kutumia mpini wa jembe** ambao alichukua pale nyumbani kwa marehemu. Na tulipoona kuwa mefariki tuliondoka na kurudi nyumbani kwa NYAMBAYA d/o BONIFANCE ambaye ni shangazi yangu kwani anazaliwa tumbo moja na baba yangu lakini pia ndiye mama wa JOACKIM s/o NYAURI na BONIPHACE s/o NYAURI amabapo tulipofika hapo nyumbani kwake **walitunza lile shoka na panga** kwa kuwa tulivichukulia pale nyumbani kwake na mimi nilipatiwa fedha kiasi cha shilingi laki tatu na wale wengine kupewa laki tatu na elfu hamsini na mimi nilipokea pungufu kwa kuwa walisema sijafanya kazi sana nimekata mara moja tu na baada ya kupewa hela hiyo niliondoka mwenda nyumbani ...” [Emphasis in bold, mine].*

Therefore, considering what the first accused person had admitted before PW6 and PW7 coupled with what he confessed orally before PW2, PW4 and PW5, are nothing but a clear admission of guilt which in law is the best evidence (See **Ibrahimu Ibrahimu Dawa v. Republic**, Criminal

Appeal No. 260 of 2016 (unreported), **Mohamed Haruna Mtupeni and Another v. Republic**, Criminal Appeal No. 259 of 2007).

It is settled that an oral confession of guilt made by a suspect before or in the presence of reliable witnesses, be they civilian or not, maybe sufficient by itself to ground conviction against the suspect ( **Chamurilho Kirenge @ Chamuriho Julias V. The Republic**, Criminal Appeal No. 597 of 2017, See: **The Director of Public Prosecutions vs Nuru Mohamed GuEamrasul**, [1988] T.L.R. 82. **In Mohamed Manguku vs Republic**, Criminal Appeal No. 194 of 2004, quoted in **Posoho Wilson @Mwalyego vs Republic**, Criminal Appeal No. 613 of 2015 and **Tumaini Daudi Ikeru vs Republic**, Criminal Appeal No. 158 of 2009 (all unreported). The Court insisted that such an oral confession would be valid as long as the suspect was a free agent when he said the words imputed to him. It means therefore that even where the court is satisfied that an accused person made an oral confession, still the trial court should go an extra mile to determine whether the oral confession is voluntary or not. What amounts to an involuntary confession is provided for under subsection (3) of section 27 of the Evidence Act, Cap 6 which states:

*"(3) A confession shall be held to be involuntary if the court believes that it was induced by any threat; promise or other prejudice held out by the police officer to whom it was made or by any member of the Police Force or by any other person in authority."*

It has been testified in this case that the first accused person confessed before the justice of peace and the investigator; (PW6 and PW7 respectively) to be the one who killed the deceased. He prior confessed so before PW2, PW4 and PW5. The interlocutory question therefore is whether the first accused person was a free agent when giving his statement before PW2, PW4 and PW5 on the one hand and PW6 and PW7 on the other. When testifying, PW2 stated that, after apprehending the they orally interviewed him in connection with the killing of Nyakamande, and the 1<sup>st</sup> accused person admitted to have killed the deceased using panga, alleging that he had been hired by the second accused person to execute the said killing. He repeated story before PW, PW4 and PW5. Thus, he accepted the offer and executed the killing.

The 1<sup>st</sup> accused person also told them (PW2, PW4 and PW5) that, he used an axe to kill the deceased and told them that he had returned the said weapons (instruments of murder) at the home of the

second accused. When he led police there, they retrieved them (exhibits PE2 and PE3). In my view, it would not have been easy to discover the weapon used in the killing from where it was hidden if not told by the 1<sup>st</sup> accused person. Though not scientifically provide, but what the 1<sup>st</sup> accused person confessed which led to the recovery of the said weapons (objects of crime) that evidence is highly valuable and relevant to the fact in issue.

According to PW3, (exhibit PE1) the deceased cut wounds were caused by a sharp object, the axe and panga are amongst the sharp objects as well. Thus, the information given by the 1<sup>st</sup> accused person was relevant to determine the person involved in the killing and the murder weapon in this case under section 31 of the Evidence Act, Cap 6 R.E. 2019 which states: -

*" When any fact is deposed to as discovered in consequence of information received from a person accused of any offence in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, is relevant"*

But further to that, it is the stance of the law that, a confession leading to discovery is reliable. In the instant case, the 1<sup>st</sup> accused person's confession led to the discovery of the murder weapons. The

Court of Appeal in the case of **Chamuriho Kirenge @ Chamuriho Julias V. The Republic**, Criminal Appeal No. 597 of 2017, while quoting the case of **John Peter Shayo and 2 others vs Republic**, (1998) TLR 198 quoted in **Tumaini Daudi Ikera vs Republic**, Criminal Appeal No. 158 of 2009 (unreported) the Court observed as follows:

*"(i) Confessions that are otherwise in admissible are allowed to be given in evidence under section 31 of the Evidence Act 1967 if, and only if, they lead to the discovery of material objects connected with the crime, the rationale being that such discovery supplies a guarantee of the truth of that portion on the confession which led to it (ii) As a general rule, oral confessions of guilt are admissible though they are to be received with great caution, and section 27 (1) and 31 of the Evidence Act 1967 contemplates such confessions..."*

The similar position was also proclaimed in the cases of **John Shini vs Republic**, Criminal Appeal No. 573 of 2016 and **Melkiad Christopher Manumbu and 2 Others**, Criminal Appeal No. 355 pf 2015 (both unreported).

In the digest to the testimony of PW2, PW4 and PW5, I am satisfied beyond reasonable doubt that what these witnesses testified is credible, truthful, reliable and trustworthy. In essence, I have no even a single doubt to raise against their testimony. It is trite law that every witness is

entitled to credence and must be believed and his/her testimony accepted unless there are good and cogent reasons for not believing a witness. In the case of **Mathias Bundala vs Republic** , Criminal appeal No. 62 of 2004 CAT at Mwanza where it approved the case of **Goodluck Kyando vs Republic** (2006) TLR 363, the court held that:

*" It is trite law that every witness is entitled to credence and must be believed and his testimony accepted unless they are good and cogent reasons for not believing a witness".*

For sure, I am satisfied beyond reasonable doubt that the presumption of credence of the prosecution witnesses in this case has not been rebutted by any reasonable doubt by the defense testimony. The prosecution's testimony in this case has been cogent and coherent.

Since criminal offence is only established by the prosecution's evidence and not on the weakness of the defense testimony, what was expected from the defense testimony in this case is to raise any reasonable doubt. I have failed to spot any. The testimony of DW2 that she had not participated in the said search and that the said items were not recovered from her house is hardly believable in the presence of the testimony of

PW4 and PW5 and exhibit PE2. It was therefore a mere little effort of trying to exonerate from the said charges against the whip of justice.

In consideration on of the confession statements of the first accused person (PE4 and PE5) and his oral confession before PW2, PW4 and PW5, and the recovered items (PE2 and PE3 exhibits) though scientifically not tested that the said recovered weapons actually contained some stains of blood of the deceased, I am legally satisfied that the first accused person's utterance and recorded statements before PW2, PW4 and PW5 on one hand and what is contained in exhibits PE4 and PE5 are nothing but the truthful. The same sufficiently incriminates the second accused person as well (financier) in terms of section 33 (1) (2) of the Evidence Act as the said evidence corroborates each other [see also **Ally Hemedi vs Republic** [1973] LRT no 88, **Richard Lubilo and Mohamed Selemani vs Republic** [2003] TLR 149 and **Brasius Maona and Gaitan Mgao vs Republic**, Criminal Appeal no 215 of 1992, CAT (unreported)]. Similarly, the defense testimony of DW1 is highly laughable and is only considered as a lying defense in the presence of the cogent and coherent evidence of the prosecution case via testimonies of PW2, PW4, PW5 leave alone the

evidence in exhibits PE4 and PE5. The law is, a lie of an accused person corroborates the prosecution's case.

That said, I find the 1<sup>st</sup> accused person's admission to the commission of the offence to PW2, PW4 and PW5 leave alone his written confessions before PW6 and PW7 (for exhibits PE4 and PE5) is for all purposes and intent valid confessions pursuant to section 31 of the Tanzania Evidence Act, Cap 6, R.E 2022. And considered as a whole, the prosecution's case has been established beyond all reasonable doubt. That means, the second accused person being principle offender by aiding weapons and finance, is the principal offender. Thus, equally liable pursuant to section 22(1) of the Penal Code, Cap 16 R.E 2022.

I thus convict both of them of murder as charged Contrary to section 196 and 197 of the Penal Code [Cap.16R.E.2019].

Ordered accordingly.

DATED at MUSOMA this 13<sup>th</sup> March 2023.



F. H. Mahimballi

JUDGE

**Court:** Judgment delivered this 13<sup>th</sup> day of March, 2023 in the presence of both accused persons, Ms. Monica Hokororo, state attorney for the prosecution, Mr. Emmanuel Mng'arwe, advocate for the both accused person and Mr. Kelvin Rutalemwa, RMA.

Right to appeal fully explained to any aggrieved party.



F. H. Mahimbali

Judge