

TANZANIA / JUDGMENT

19760113 TZHC Arusha

COURT
TZHCDECIDED
13 January 1976

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IN THE HIGH COURT OF TANZANIA AT ARUSHA .. AFELITE JURISDICTION HIGH COURT
CRIPAL AL NO. 228 OF 1975 ORIGINAL CRIT1NnL CJE JO. 490 OF 1974 OF THE DISTRICT
COURT OF KOROGWE DISTRICT AT KOROGWE BEFORE: W. R. ILMPL Esci. Resident Magistrate
ALLY ABDALLIJI AITCELIANT

- (Original ACCUSED) versus muir F 1VTTTDT T/1 .LtU.LL.L.)iU!, ... o e . .
..... iLL. (Original :rosecutor) ORDER OF SURV REJECTION NYJ.LALI, AG. J. The prisoner
was charged and convicted in the district Court of Korogwo at Korogwo with the offence of
Cattle Theft c/es 265 and 268 of the Penal Code and was sentenced to the statutory r:liniaun
of 5. years inlrisomeont under the Plininun Sentences Act, 1972. He is now seeking to
appeal to this Court. There is no LlerlG in the appeal. There is no dispute but ample evdenco
that WtOfJ.I.1 woio up in tna :iorninc of 20/12/74 he found two of his goats nissiug from his
hone -nore is evidence that later the sane day the -erisonor was seen driving two goats by
r.V.3 (Adse, Liaseara) and P .H.5 (Jackson Jnania), and that the prisoner eventually took the
two gtoats to the hone of e'.J.2 (Ranadnani Korokorona) wncr he left then ten.porarily but
they wore found at p.W.2's hone just when the prisoner returned to collect then that sane
day. Since the evidence of P.H.3 and 'W.S corrolorgted. in eiaterial particulars the ovidonco
of 11.W.2 9 the conviction of the prisoner eras inevitable. The prisonor couplains in his
petition that I.J.3 and L.W.5 are relatives of .W.2, but ho did no raise this point in crcss—
oxaeiination of thcso witnesses during the trial. The coriplaint apears to 130 an after thought
I therefore certify that after perusing the record, I an satisfied that this apsoal has boon lcd
od without substance, I hereby sunnarly reject it under S. 317 of the Criuinal Procedure
Cede. (L 'tvb LRUSUIL: 13/1/76. (F. FLN/MTPLI.

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