

TANZANIA / JUDGMENT

19830730 TZHC Mbeya

COURT
TZHCDECIDED
30 July 1983

Source: media.tanzlil.org · Research copy typeset by Esheria. Not court-issued or certified.

(I IN TI HIGH COURT OF TJNZJ'IA ---Y4 J T1BEYA t 4PPLLATE JURISDI CTION 7 (Mbeya Registry) , _;t •. 1 RL'vaNAL PP1IJL NO. 1 OP 1980 - OR3INij,. CRIMIN14.L CASE NO 364 OF 197 8 OF , THE DISTRICT COURT OF TUICtTYtJ DISTRICT T TTJKTSYTJ PQREt E. R. Ndunn zRICT 'agistrat . ,. GE1t t J ? the Pena Cede, ap 16.

- :.(4' . Z a on th, pilic oad \vithout J4 driVip,g cénö /s. 52 (a). id r63 t ~)' of I the id Ac.t N6.30 !' 198. . .T.. t JTGJT L ç ape12a.nt vs chaed w.th stealing a government Land Pver (ret Department) and driving i t without a driving licic(. It was staded that on 26/8/78 Thadi pjitoni (PW.2) a manager of Kiwira Forest r-roject 4c left his base to vae..t the proct. He was an a Ld hover STC 192 driven by JUn Masawe (Pw,3). On the ;way. they picked up the appe] lan who had aéked for a lift to Kiwira %in they departed frori Kiwirq q their • return iourey the appellant also o.zc1 then alOLt , ny stpped at a place a.1e4 ooI ropso o'v' d Tn ;ent ctt 'a Sr, They i,33 went '% itaves an4 J1t tthe Oh so swiheya the-& ihis bps W.2) 3.t ri rt ih&4a1 1(c2) T ploé'd the 4ey-P , on the tábTh, They went. o iaii.k a cer-tai-i Y ut & h1 himself enmd Aeit h.. I-ys therqp 'the table,.
- - Point !lie4ej Or return hpm� te keys miesn. 'he e'izt also ast tc
- seen be4. (Pvi.2) gnse sonothaig. 4I uen dtt to check-tbe, 1yehi d le. It was not there.4y then the drivez' ha riraed. So h1hade1 ndh 3 t,ha m en started pl 1u fD,r th e vcle. At a cI t3 t they fpud j • • ditó j loig Mbeya/Tuk3'u d The app11art w1 4en that paght. N.. :I • . • . _ .Hey went t Th next rqi 'apologased for what he " zlrfr that he disappeared Pi ill he was arrested in Mbe,ya ton. by Cpl. GeQre (Pw.i) and Qharged. In his defence he denied that he drove the hand 1over that particular night. He was acquitted of theft in' gou t ilrj, and conviced1 of conversion c/s.284, and sLntenced to 6 months, (3Qnd count he wasj.rted 6hs.2,000/= or 5 months. He prer.red this appeal, ,,... ,... . /2 * • * It () The learned Counsel for the epib1iQ - argued that there were doubts whether - the appellant drove the .vehile. . ,àding the evidence I found that there was no denying that the keys got, ssing fron2 the table. The appellant also disappeared and finally th vehicie The keys were found with the veh.thle in the ditch tumatantjally it was the appellant who L took the ve}ucle. Md there was evder r an eye vi Paulina (Fi.5), a taw maid, who said she saw the pellant pick up the keys from the table when Tha4j (Pi.2) had gone ou-t. The trial maa.trat belieød her. He waa juqtjfdOd# I arA of the sane view as the tnaisti4 that it was the .appellant.who .tpok.the

veh.óles- -.jncc he did this without pexieaion and • UG dr oo, h wa ThjA.taa1cee were The. 4
ATMYAa Otulyi3.83 r r -.- I (' •---L . .1

- ..i4 ,...:- •ç - :- . .-L-':::, _ •..._ f - ---.-,---..."
- •, , •I .-. . - C II) 7j- aw . - C -•1 1 - : 4 C - . !:-
- - S. :- . •. •;

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://media.tanzlii.org/media/judgment/351836/source_file/c17ea160f516b31c/19830730_TZHC_Mbeya.pdf

CASE PAGE <https://chat.esheria.ai/case-law/tanzania/appellant-name-not-specified-v-republic-theft-tzhc-1983>

Prepared on 28 October 2026 · Esheria