

TANZANIA / JUDGMENT

19710609 TZCA Dar es Salaam3

COURT
TZCADECIDED
9 June 1971

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

J ~-IL IN THE, HIGH CORP OF PANZANIA AT BAR ES SALAAM Criminal Appeal No. 226 of 1 97 1 Original Criminal Traffic Case Not 497 of 1971 of the District Court of Bar cc Salaam District at Dar cc Salaam Before: 3, K. Bwahama, Esq., Resident Ilagistrate I3AKARI HUSSEIN ,,. . •, • . a a a • a . . . • • APPELLANT versus THIJ REPUBLIC • . o a a a a . a a a a a . a . a . a a a . RSPONDEIT CHAR GEs Reckless driving on the public road c/s 45(1) of the Traffic Ordinance, Cap. 168.

JUDGMENT

S. PATEL AG. 3. The appellant was convicted of reckless driving on public road by the District Court of Dar es Salaam on his own plea and was sentonced to a fine of Shsa5,000/- or 2 years' imprisonment in default. Ir. Versi for the appellant submitted that the fine is manifestly excessive and it contravenes the provision of section 29(iv) of the Penal Code as regards the imprisonment in default. Mr, Verci quoted several authorities in relation to the fine. He said the salary of the appellant is Shs.427/- per month. The learned State Attorney conceded that the fine indeed was excessive and said it should be reduced. The appellant is earning She 427/- per month as a driver. A fine of Shs.5, 000/- is indeed very excessive. Bearing all circumstances in mind, particularly the fact that the bus left the road and went about 56 feet before it came to a stop the offence is indeed a serious one. Luckily there was not a group of people or any human being on its way, Otherwise many deaths could have been caused by this act of the appellant. The appellant was indeed very lucky. The Vehicle Lispeclor's report does not say that the brakes were defective nor does it say that the steering was defective. This would clearly mean that the appellant drove the vehicle rookiesslye it becomes more dangerous when one considers that he was driving a bus full of passengers. Bearin' all these factors in mind I reduce the fine to Shs.750/- . I order that any amount in excess of Shs.75 0/- paid by the appellant towards fine be refunded to him. Delivered in Court at Bar es Salaaui this 9th day of June, 1971. (j. B. PATEL) AG. JUDGE Now

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/335773/source_file/b2b8142566c1efee/19710609_TZCA_Dar_es_Salaam3.pdf

CASE PAGE <https://chat.esheria.ai/case-law/tanzania/bakari-hussein-v-the-republic-recklessdriving-tzca-1971>

Prepared on 26 October 2026 · Esheria