

DECIDED
1 January 1973

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- : •versus • TH REPUBLIC . . . , •0 RESPONDENT (Original Prosecutor) GKIEITQ 19 ESIIJMO, J. Lilkas ITEicirini, Baraka Daudi and Dominick Fundirehani were, on 1st Toveniber 1973, by W A L0 Miribo, Resident 'Magistrate, as he then was, found guiltr and äonsTiced, of stcalirg I by servant coniiira±yto sectidne•27land265 f the Penal Code. Immedately thereafter each of thom was sentenced to 18
- m6nth d i•thr±sothCnt, the learftbd 2ësidont Magistrate, as he then was,av'ng, in my viciw rightlr justified himself in that course by the reason of tender ages of ttthe convicts who wore unch-.llewedly alleged o- 27 years old, rspectivcly. ?oreovcr afl th.o, bhre convicts were first offenders and the prQp:cty piovenly sto1 en by them was assertodly valued et thc total sum of onlyJtrs. 15711=. Aggrieved by that decision Bar&ks Daudi, in ray view, now vainly, appeals to this Court agairisb both conviction and sentence. It would appear ifOfi tho record tha the other two convicts wisely, and poacofulJy have th.cjded to serve their somewhat lenient sentneces r1thot any further ado Perusal of the record of the brisj court -which, to no, appears commendable in thoou}rness and clarity, shows very clearly that apoellanb togebnr uith the other two who have not appealed were caught in 'flagrante;delict.o' within the kiJtex precinebs carrying bundles of the cloth materials which they had without any colour of right, taken away from tncir employers fc Gory0 In the face of all that fuLanating evidence gi.vn it were, by- two independent eyeiicnc'- flo three accused persons, the appcjlqnt eJ., r, did was to advance bare denials of any iriveivonent with the alleged and. proved' theft. Admittedly, 0 ••••• q • ,.. . 0/2

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/baraka-daudi-v-the-republic-theftbyservant-tzhc-1973

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