

TANZANIA / JUDGMENT

Benedict Shauri v Chrispin Shauri

COURT
TANZLIIDECIDED
13 December 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA IN THE SUB-REGISTRY OF
MANYARA AT BABATI (PC) MISCELLANEOUS CRIMINAL APPLICATION NO. 27515 OF 2024
(Arising from the decision of the Criminal Appeal No. 6 of 2023 in Babati District Court and
originating from Criminal Case No. 3 of 2022 of Ufana Primary Court) BENEDICT
SHAURIAPPLICANT VERSUS CHRISPIN
SHAURIRESPONDENT

RULING

11th and 13th December 2024 MIRINDO, J.: Benedict Shauri was charged with and convicted of theft by Ufana Primary Court in Babati District within Manyara Region. His appeal to Babati District was unsuccessful. He is now applying for leave of the High Court at Babati to lodge his appeal out of time. Before this Court he was represented by Mr. Festo Jackson. The respondent, Chrispin Shauri appeared in person. Mr. Jackson contended that the evidence adduced at the trial court strongly suggests that this was more of a land dispute than a criminal case. For that reason, the Ufana Primary Court had no jurisdiction to determine it. Chrispin Shauri argued that this was a criminal case and not a land dispute. He pointed out that the land dispute had been dealt with in Chrispin Shauri v Benedict 1 Shauri, (PC) Civil Appeal No. 25 of 2003 before the High Court at Arusha. He supplied a copy of that judgment as part of his arguments. Having looked at the nature of the evidence adduced, I have concluded that there is a prima facie case of illegality as the case might border on land dispute and therefore justifies extension of time to appeal. Accordingly, the application is granted with the direction that the applicant lodge his appeal within thirty days from the date of this ruling. DATED at BABATI this 13th day of December 2024 F.M. MIRINDO JUDGE COURT: Ruling delivered in chambers this 13th day of December, 2024 in the presence of both parties. B/C: Ms. Anna Mathayo (RMA) present. F.M. MIRINDO JUDGE COURT: Right of appeal explained. F.M. MIRINDO JUDGE 13/12/2024 2

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ORIGINAL SOURCE	https://media.tanzlii.org/media/judgment/323612/source_file/3a337a2118196d95/Benedict_Shauri_v_Chrispin_Shauri.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/benedict-shauri-v-chrispin-shauri-extensionoftime-tanzlii-2024

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