

TANZANIA / JUDGMENT

biko emmanuel vs republic

2016 tzca 313 18 april 2016

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18 April 2016

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IN THE COURT OF APPEAL OF TANZANIA AT DODOMA (CORAM: KILEO, J.A., ORIYO, J.A., And JUMA, J.A.) CRIMINAL APPEAL NO. 590 OF 2015 BIKO E M M A N U E L.....APPELLANT VERSUS THE R E P U B L I C RESPONDENT (Appeal from the decision of the Resident Magistrate Court of Singida at Singida) (W.E. Lema, PRM fExt. Jurisdiction) dated the 4th day of December, 2015 in PRM. Criminal Appeal No. 42 of 2015 JUDGMENT OF THE COURT Rule 39 (6) Court of Appeal Rules. 2009 KILEO, J.A.: At the hearing of the appeal the appellant appeared in person, unrepresented. Ms. Beatrice Nsana learned State Attorney represented the respondent Republic. After hearing both the appellant and Ms. Nsana who supported the appeal, and after a consideration of all the circumstances of the case we are of the settled view that there is merit in the appeal by Biko Emmanuel. In the circumstances we allow it, quash conviction and set aside the sentence imposed on the appellant. The appellant is to be released from custody forthwith unless held therein for some lawful cause. Reasons for judgment to follow in due course. DATED at DODOMA this 18th day of April, 2016. E.A. KILEO JUSTICE OF APPEAL K.K. ORIYO JUSTICE OF APPEAL I.H. JUMA JUSTICE OF APPEAL I certify that this is a true copy of the original. E. F. ffoISSI DEPUTY REGISTRAR COURT OFVVPPEAL 2

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