

TANZANIA / JUDGMENT

MALONJA KAHINDI

COURT
TANZLIIDECIDED
25 November 2024

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IN THE HIGH COURT OF TANZANIA (MWANZA SUB-REGISTRY) AT MWANZA CRIMINAL
SESSIONS CASE NO. 69 OF 2022 REPUBLIC VERSUS MALONJA S/O KAHINDI

RULING

22nd & 25th November, 2024 KAMANA, J. When the matter was set for a hearing, Mr. Adam Murusuri, learned State Attorney representing the Republic, informed this court that the committal court generally stated on page 10 of the proceedings that the statements of ten witnesses and four exhibits were read and explained to the accused. In his view, that was not proper as the names of the witnesses and exhibits were not mentioned. He asked for this court's directives. His arguments were not contested by Mr. Revocatus Sepatu. I have gone through the committal proceeding and agree with the legal minds that the committal court on page 10 stated generally that the statements of ten witnesses and four exhibits were read and explained to the accused without mentioning them. 1 However, from page 12 to page 13, the committal court listed the names of ten witnesses and four exhibits which were read and explained to the accused. Given that, I am of the view that the general statement that the statements of ten witnesses and four exhibits were read and explained to the accused without mentioning the names of the witnesses and exhibits is cured by the fact that there is a list of witnesses and exhibits as reflected on page 12 and 13. I would hold otherwise if there were fewer or more than ten witnesses or fewer or more than four exhibits. Order accordingly. DATED at MWANZA this 25th November, 2024. KS KAMANA JUDGE 2

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