

TANZANIA / JUDGMENT

19710917 TZCA Dar es Salaam3

COURT
TZCADECIDED
17 September 1971

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IN THE HIGH COURT OF TANZANIA AT DAR ES SALAAM CRIMINAL APPEAL NO., 330 OF 1971
Original Criminal Case No. 113 of 1970 Of the District Court of Mtwara District at Mtwara Before J. S. Mwami Nsingo District Magistrate DADI JUS * APPELLANT
versus THE REPUBLIC S RESPONDENT OHAR: Stealing c/s 265 of the Penal Code,
JUDGMENT SAIDI, C.J. . The appellant appeals against a minimum sentence passed on him
following his conviction for stealing a fishing net valued at the 2,000/- belonging to Msimbati
Ujamaa Village. He had pleaded guilty to the theft. What must be considered in this respect is
whether or not the property of an Ujamaa Village is the property of Government so as to bring
the stealing in this case under the Minimum Sentences Act. So far as the law stands stealing the
property of an ujamaa village is not a scheduled offence. In the instant case the fishing net was
given to the village by the Government. The argument is whether the fishing net continued to be
Government property after the village had received it. I do not think that this is so and I hold that
the offence committed is simple theft not attracting a minimum sentence. I would therefore
reduce the sentence to 15 months imprisonment and set aside the strokes of corporal
punishment. Delivered in Court at Dar es Salaam this 17th day of September, 1971. (Sgcl) (A.
SAIDI) CHIEF JUSTICE

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