

TANZANIA / JUDGMENT

19770725 TZHC Mwanza1

COURT
TZHCDECIDED
25 July 1977

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HIGH COURT OF TANZANIA APPEJ..L;-1.'rE JU!HSDICTION HIGH COURT CRIMIN\i\l Ai?l?EAL
N0al2.5 OF 1977 tOriginal Criminal Case No.28 of 1977 of the District Court of Geita District at
Geita before P.No Buberwa, esqo, District Magistrate) D,\UDI KA'I'ULA 0 0 0 0 0 0 o O o O O O O o.
0 0 0 0 0 O O O APPELLANT versus THE REPUBLIC 00004!'0COOOOOOOOOOOOOOOOOO
RE.3PONDENT CHARGE: Corrupt transaction with an agent c/s 3(a)(iii) of the Corruption Act lfoo
16/71 of the Corruption Ordinance. J U D G E M E N T MFALILA, J. The appellant was convicted of
the offence of taking part in corrupt transaction with an agent contrary to section 3(a)(iii) of the
Prevr~_rltion of Corruption Act, 1971. He was sentenced to three years imprisonment. The facts
of the case were straighforward and even the appellant's defence at the trial did not seriously
challenge them. On the day in question, P.C. Mauaa and his colleague as well as the complainant
Kabadi in a different case went to the appellant's house for investigations. They found him in
one of his shambas brewing the illegal liquor commonly known as "Noshi". He was
apprehended and taken to his house. He asked the Police Officers to allow him to enter his house
and change his clothes before proceeding to the Police Station. This he was allowed to do and
when he came out, he had shs.400/- with him which he handed to P.C. Maunie telling him at the
same time to forgive him and let him free from the offence of manufacturing "moshi". He was
promptly arrested and at the Police post, charged with this offence. In his defence, the appellant
did not say much so that in the circumstances, the trial magistrate was right in accepting the
prosecutor's version and convicting him. The appellant offered the shs.400/- to P.C. Maunie
corruptly for he wanted him to free him from the charge of manufacturing "moshi". In the
result, the conviction was sustained and as the sentence imposed was the minimum, this appeal is
Dismissed. Delivered in Court at Mwanza this 25th day of July, 1977. ' (.i),A.--\J. MWANZA L .
MFALILA 25TH JULY~ 12.7.z_ JUDGE

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