

TANZANIA / JUDGMENT

20080804 TZHC Moshi

COURT
TZHCDECIDED
4 August 2008

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I • , , . 'I. , .. ' y IN THE HIGH COURT OF TANZANIA ATMOSHI (DC) CRIMINAL APPEAL NO. 149
OF 2004 [C/F DC MWANGA CRIMINAL CASE NO.169/2001] DAVID RAPHAEL -----
APPELLANT VERSUS THE REPUBLIC----- RESPONDENT

JUDGMENT

HON. MCHOME, J. The Appellant, David Raphael was jointly charged with three other with two offences:-

- (1) Office Breaking with Intent to Commit an offence contrary to Section 296 (1) of the Penal Code.
- (2) Stealing contrary to Section 265 of the Penal Code. While the original 3rd and 4 th accused persons were found not guilty and acquitted the appellant and the original 2nd accused were found guilty of Office Breaking and Stealing contrary to Section 296 (1) of the Penal Code and sentenced to seven years imprisonment each. The appellant was aggrieved and has appealed against both conviction and sentence. The original 2nd accused was convicted and sentenced in absentia and has apparently not been apprehended todate. The Mwanga District Natural Resources Office was broken into and several items stolen there_from, including a vehicle ignition keys and a computer. Three days after the breaking and stealing the stolen ignition key was found in the appellant's house, among other suspect property. After being forced to admit committing this offence by the police the appellant took the 1 police and showed them where he and his co-accused had sold the stolen computer. The same was found and seized by the police. So the appellant was convicted on the doctrine of recent possession. With this strong evidence the appellant was properly convicted and sentenced. There is no merit in his defence or even his ground of appeal to make me interfere, with the trial court's verdict. Therefore this appeal is ed in its entirety. JUDGE 4/8/2008 Delivered this 4th day of August, 2008 in the presence of Mr. Komanya, State Attorney for the Republic/Respondent. E JUDGE 4/8/2008 2

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/david-raphael-v-the-republic-officebreaking-tzhc-2008>

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