

19780413 TZHC Tabora

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TZHC

DECIDED
13 April 1978

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O I IN THE HIGH COURT OF TANZANIA AT TABORAO APPELLATE JURISDICTION HIGH COURT
CRIMINAL APPEAL NO0 383 OF 1976 (Original Criminal Case No.606 of 1976 of the District Court
of Shinyanga District at Shinyanga - before KAJERI; RON.) DICKSON sLO
NYANGO,,,00...0000000.. 0000000. APPELLANT (Original Accused) versus THE REPUBLIC
00000000000000000000000000000000000000 RESPONDENT (Otiginal Prosecutor) CHARGE: Stealing
from the person of another, contrary to section 269 (a) of the Penal Code 0 E NT MAPIGANO, J:
The only matter which causes concern in this case is the sentence which the appellantwas given
by the trial court. The appellant was convicted of stealing from the person of another, contrary to
section 269 (a) of the Penal Code, The evidence adduced by the prosecution left no reasonable
doubt as to his guilt. There was evidence that the complainant lost his wallet while sitting in a bus
at the Shinyanga bus stand. The wallet contained two photographs and the appellant had kept it
in his pocket. Apparently one or two other persons had seen the appellant plucking the wallet off
and an alarm was raised. Next, the appellant was seen runningoff from the bus stand and
dropping the wallet, He was pursued and caught. The appellant's defence was a general denial
that he had picked the complainant's pocket and an allegation that the wallet was planted on him.
The learned magistrate dismissed his defence as false and .I am satisfied' that the magistrate was,
in the light of the prosecution evidence, properly entitled to do so. The appeal from the
conviction is therefore dismissed, As I observed at the outset, the only matter which causes
anxiety is the sentence which the learned magistrate awarded. The appellant was committed to
prison for three years. This, no doubt, was manifestly excessive, in view of the fact that he was a
first offender and the value of the thing he stole only about 5hs.3/50. He has now served upwards
of half of that sentee and that should be sufficient. Accordingly, the sentence is reduced to such a
term

- as will result into his immediate release from custody. Pronounced in court, Mr. Nassaba for the Republic0 -1 Appellant absent, 13/4/78 D. P. MAPIGANO, JUDGE. r.

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Prepared on 14 October 2026 · Esheria