

TANZANIA / JUDGMENT

director of public prosecutions vs yanga omary yanga 2023 tzhcced 10 30 june 2023

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30 June 2023

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IN THE HIGH COURT OF TANZANIA CORRUPTION AND ECONOMIC CRIMES DIVISION AT
TANGA SUB REGISTRY ECONOMIC APPLICATION NO. 1 OF 2021 DIRECTOR OF PUBLIC
PROSECUTIONS.....APPLICANT VERSUS YANGA OMARY
YANGA.....RESPONDENT

RULING

06-30 June, 2023 E.B. LUVANDA, J In this application, the properties mentioned herein below are subject for an order sought for forfeiture to the Government of the United Republic of Tanzania, on the ground that are tainted properties being acquired or developed within ten years counting from the date of arraignment of the Respondent named above in Economic Case No. 1 of 2020. The impugned properties are reflected at paragraph ten of the affidavit in support of the chamber summons, these are:-

- a) House on Plot No. 2/3 and 2/4 Mwambani, Tanga Municipality
- b) House on Plot No. 14, Block D Kana, Tanga Municipality
- c) House on Plot No. 7, Block 108, Ngamiani, Tanga Municipality,
- d) House on Plot No. 94, Chumbageni, Tanga Municipality, i
- e) Plot No. 32, Block C, Magaoni, Tanga Municipality
- f) Plot No. 73, Block A, Mwambani, Tanga Municipality
- g) Plot No. 144, Block B, Mwambani, Tanga Municipality, Plot No. 5, Block A, Mwambani, Tanga Municipality.
- h) Plot No. 615 and 617, Block B, Kange, Tanga Municipality, Plot No. 135 Block B, Mwambani, Tanga Municipality
- i) Plot No. 698, Block B, Kange Tanga Municipality
- j) Plot No. 32, Block C, Mwakidila/Magaoni, Tanga Municipality

- k) Plot No. 30, Block C, Mwakidila/Magaoni, Tanga Municipality I) Plot No. 605, Block A, Mwambani Tanga Municipality m)Plot No. 607, Block A, Mwambani Tanga Municipality i
 - n) Plot No. 611, Block A, Mwambani Tanga Municipality
 - o) Plot No. 610, Block A, Mwambani Tanga Municipality
 - p) Plot No. 606, Block A, Mwambani Tanga Municipality
 - q) Motor Vehicle make Suzuki Carry with Registration Number T 638 DDJ. i h »
 - r) Motor Vehicle make Honda Vezel Z with Registration Number Yanga 1/T 941 DBV. I
 - s) Motor Vehicle make Toyota Mark II, GX 110 with Registration Number T 470 AYB. 2
 - t) Motor Vehicle make Toyota Land Cruiser with Registration Number T 325 DJX.
 - u) Motor Vehicle make Toyota Passo with Registration Number T 904 DMD.
 - v) Motor Vehicle make Toyota Crown with Registration Number T 312 DNL. In the counter affidavit, the Respondent deposed that he own and acquired most of listed properties through inheritance from his late father Omary Yangaand other through his businesses which he was legally operating, also » 1 other properties are not even in his name and other are jointly owned. That, properties mentioned in paragraph one of the affidavit was acquired in the year 1986 by the late Omary Yanga the Respondent's father and later inherited by the Respondent and development made but not within ten years as alleged. That plot No. 7 Block 108 Ngamiani Tanga was acquired in November, 1986, Plot No. 94 Chumbageni Tanga was acquired in November
2001. That the statement of Wamba Makutubu cannot be used to prove the alleged development of ten years, because it did not form part of committal document in Economic Case No. 1/2020. Ms. Sabrina Said Josh learned Senior State Attorney filed submissions in chief and rejoinder for the Applicant and Mr. Nehemia Geoffrey Nkoko learned Counsel filed a reply on behalf of the Respondent. The learned Senior state Attorney submitted that the application has been preferred following the Respondents conviction on a serious offence and properties listed are tainted properties and connected to the crime in which the Respondent was convicted with. She cited the provision of sections 3 and 9(1) of the Proceeds of Crime Act, Cap 256 R.E 2019, regarding definition of serious offence and power to make an application for forfeiture post conviction. Also, section 49(4) of the Drugs Control and Enforcement Act, No. 5 of 2015 as amended, for a proposition that any property acquired ten years back from the date in which the respondent was charged are regarded property in connection to the crime he was charged with, hence subject to be forfeited to the Government. She submitted that the standard of proof for an application for forfeiture is on balance of probability, citing section 75 Cap 256 (supra), Paulina Samson Ndawavya vs, Theresia Thomas Madaha, Civil Appeal No. 45 of 2017 C.A.T at Mwanza. The learned Senior State Attorney submitted that a house on Plot No. 2/3 and 2/4 Mwambani Tanga Municipality, house on Plot No. 14 Block "D" Kana, Tanga Municipality, house on Plot

No. 7 Block 108, Ngamiani Tanga Municipality, house on Plot No. 94 Chumbageni Tanga Municipality are owned by the Respondent and its major development were done within the period of ten years back from the date the Respondent was arrested and charged as per the statement of Inspector Wamba (annexure NPS4). She submitted that Plot No. 32 Block "C" Magaoni/Mwambani Tanga Municipality, Plot No. 30 Block "C" Mwakidila/Magoani Tanga Municipality, Plot No. 144 Block "B" Mwakidila Tanga Municipality, Plot No. 606, 605 and 610 Block "A" Mwambani Tanga Municipality, Plot No. 607 Block A Mwambani Tanga Municipality in the name of Mwanaidi Shabani c/o Yanga Omari Yanga, Plot No. 611 Block "A" Mwambani Tanga Municipality in the name Sanura Yanga Omari, Plot No. 5 Block "A" Mwambani Tanga Municipality in the name of Omari Yanga, Plot No. 615 and 617 Block "B" Kange Tanga Municipality were acquired within the cutoff period of ten years back from the date the Respondent was arrested and charged in the years 2018. She submitted that the property which does not bear the Respondent's name, the evidence found in annexure NPS 4 the investigator revealed that the Respondent was controlling and maintaining the said properties she submitted that the mentioned properties were registered in the children and family names to disguise the illicit origin of the said properties, therefore the Respondent has interest. She cited the case of the Director of Public Prosecution vs. Muharami Mohamed Abdallah @ Chonji and Another, Criminal Appeal No. 284/2017 C.A.T (unreported). She submitted that the Respondent fraudulently registered two tax payer identification number (TIN) No. 101131599 in the name of Yanga Omary Yanga and TIN No. 101715523 in the name of Omary Yanga Omary who were used to purchase motorvehicle registration number T941 DBV; T638 DDJ and T 470 AYB; T 904 DMD; T 312 DNL, respectively. She submitted that the two names are one and the same representing the Respondent, adding that those properties its acquisition fall within the period of ten years back from the date of arrest and arraignment of the Respondent. She cited the case of the Attorney General vs. Mugesu Anthony & Two Others, Criminal Appeal No. 220/2011, regarding borrowing and sharing experience from foreign jurisdiction on forfeiture. Also cited foreign judgments for a proposition that forfeiture is not for purpose of enriching the state rather to deprive the offender of ill gotten gains: Shabir Shaik & Another vs. The State, 2008 (2) SA, National Director of Public Prosecutions vs. Peter Graham Gardener and li- i Another [2011] 2ASCA 25. In reply, the learned Counsel for Respondent complained that he was not seiyed with a copy oof a statement of Insp Wamba Makutubi, which was heavily relied by the Applicant, and therefore prejudiced the Respondent. The learned Counsel attacked the affidavit in support of the application, sworn by Christopher Msigwa, arguing it is misconceived for being herersay, arguing that it was supposed to be sworn by the purported investigator Inspector Wamba Makutubi, who claim to have done and investigated the properties and who was mentioned by Christopher Msigwa. He cited the case of NBC Ltd vs. Superdoll Trailer C I Manufacturing Co. Ltd., Civil Appeal No. 13 of 2002, Court of Appeal (T) AT Dar es Salaam, for a proposition that an affidavit which mention V ' another person is hearsay. He submitted that a house on Plot No. 2/3 and 2/4 Mwambani Tanga is owned the Respondent but was acquired in 1986, it was developed, more than twenty years ago and there is no proof that the

Respondents developed it within ten years back from the date the Respondent was arrested charged and convicted for the offence. That a r! ' statement of the Applicant is only blanket statement that the development i were made within ten years. He submitted that plot No. 7 Block 108 Ngamjani was acquired in 1986, a house on plot No. 94 Chumbageni was i t j i. acquired in 2001, different plots at Mwakidila/Magaoni were acquired in 201.0^ different plots at Block "B" Mwakidila were acquired in 2010, different plots found at Block "A" Mwambani were acquired in 2011, different plots found at Block "B" Kange were acquired in the year 2009, i different plots at Block "C" Mwakidila/Magaoni were acquired in 2010, i including Plot No. 607 and Block "A" Mwambani. That plot no. 607 is jointly owned by the Respondent and Mwanaidi Shabani because was jointly acquired, Plot No. 5 Block "A" Mwambani was acquired in 1986 and is owned by Omary Yanga. He submitted that in the counter affidavit the Respondent stated clearly his name is Yanga Omary Yanga, his late father is Omary Yanga and his son is called after his grandfather Omary Yanga. The learned counsel heaped blame to Insp Wamba for explanation that did not do well his home work as investigator, he was speculating and making assumptions likewise Christopher Msigwa. He cited the case of Said Sultan Ngalema vs. Isack Boaz Ng'iwanish and 4 Others, Civil ■ ^ i'■; Application No. 362/17 of 2021, CAT pages 8 and 9, for a proposition that statement of facts by counsel from the bar is not evidence. That the affidavit of Christopher Msigwa is hearsay and speculation. He submitted I that a person named in the certificate of title is presumed to be the owner 1 i of the landed property, citing Nacky Esther Nyange vs. Mihayo Marijani Wilmore, Civil Appeal No. 207/2019 C.A.T Dar es Salaam. He submitted that the burden of proof lies to the Applicant to prove that the said properties were acquired or developed within ten years prior arrest of the Respondent, but not mere assertion, speculation and submission from the bar. He cited the case of DPP vs. Muharami (supra) to support his proposition that properties listed as l(i) to (xxiv) were not instrumentality of the crime because the Respondent was arrested at Bombo Tanga. He distinguished Schabir Shaik and Peter Graham Garner (supra), that were both pegged on corruption in regard of shares of the company but in this case is a conviction on narcotic drugs. He submitted that there is a pending application for review (Application No. 1/2021) at the Court of Appeal against the appeal which was dismissed, arguing that proceeding with this matter will prejudice and interfere the pending review. He cited the case of Serenity on the Lake Ltd vs. Dorcas Martin Nyanda, Civil Revision No. 1/2019, C.A.T. Mwanza, Republic VS Sharifu Mohamed @Athuman and 6 others, Criminal Sessions No. 12/2014, HC Arusha. The learned Counsel submitted that the court must warn itself and not engaging itself on dealing with properties of strangers. He referred to Muharani Mohamed (supra). On rejoinder, the learned Senior State Attorney submitted that there is no provision to the effects that counsel cannot swear an affidavit. That 9 Christopher Msigwa Senior State Attorney sworn an affidavit because he was fully authorized to deal with the matter and he was conversant with the facts. She submitted that the affidavit and verification did not state that the information are from Insp Wamba rather from the investigation file. That the evidence from the affidavit sworn by State Attorney were considered and accorded weight in several applications of this nature, citing Muharan

Mohamed (supra), The Director of Public Prosecutions vs. Manon Elisabeth Huebenthal & 2 Others, Economic Application No. 4/2019, HC Corruptions and Economic Crimes Division, Dar es Salaam Registry, The Attorney General vs. Mugesu Anthony, Criminal Appeal No. 2220 (sic, 220) of 2011, C A T at Mwanza. She submitted that a statement of Insp Wamba Mkutubi is annexure NPS 5 (sic, NPS4) in the application and was served to the Respondent. The learned Senior State attorney submitted that a house on Plot No. 2/3 and 2/4 Mwambani, the alleged major development done twenty years back fall short of evidence, arguing that the Applicant is in good stand on the balance of probability. She submitted that a pending review can not be a bar of this court to entertain an application at hand, because the law require it to be done after conviction, citing section 9 Cap 235 (supra). She distinguished Serenity On The Lake (supra), being irrelevant that there is no law providing that appeal or review is a bar to an application for forfeiture. She cited section 49(4) of Act No. 5/2015 (supra) for a proposition that it is a presumption that all properties acquired in a period of ten years, are the result of the illegal trafficking of narcotic drugs and not otherwise. She submitted that the Respondent failed to prove otherwise, he failed to state his legal business which enabled him to obtain a large valued properties which the Applicant is seeking forfeiture. She submitted that the Respondent do not dispute that those bare plots were acquired within the cut off period, of ten years from the date he was arrested and charged for drugs trafficking. She submitted that on the properties jointly owned they are in control of the Respondent hence cannot be exempted from being forfeited. Essentially this is a conviction-based forfeiture, in view of a fact that the application for forfeiture was made under the enabling revisions of section 9(l) and 14(1) of the Proceeds of Crime Act, Cap 256 R. E. 2019. It is pertinent to reproduce the provision of section 14(1) Cap 256 (supra), for easy of reference, I quote, '< 'Where the Director of Public Prosecutions applies to a court for a forfeiture order under section 9 against property in respect of a person's conviction of an offence and the court is satisfied that the property is tainted property in respect of the offence, the court may if it considers it appropriate, order that the property or such of the property as it may specify in the order, be forfeited to the United Republic' As to what amount to tainted property, is defined under section 3(1) of Cap 256 (supra), to mean, I quote, 'tainted property, in relation to a serious offence, means-

- a) any property used in, or in connection with, the commission of the offence;
- b) any proceeds of crime; or
- c) any property in the United Republic which is the proceeds of a foreign serious offence in respect of which an order may be registered in terms of Part VI of the Mutual Assistance Act' Herein properties mentioned under paragraph ten of the affidavit can be divided into three groups or categories, for purpose of this ruling. The first group comprise properties on item (a), (c), (d), (e), (f), (g) specifically Plot No. 144 Block "B" Mwambani, (h) specifically Plot No. 615 and 617, Block "B" Kange, (k), (l) and (p) which are all registered in the name of the Respondent. Second group fall under being item (g) Plot No. 5 Block A Mwambani which is

registered in the name of Omari Yanga, item (h) specifically Plot No. 135 Block "B" Mwambani is registered in the name of Omari Yanga, item (m) registered in the name of Mwanaidi Shabani, item 12

- (n) registered in the name of Sanura Yanga Omary, item (q) registered in the name of Yanga Yanga, item (r) registered in the name of Omari Yanga (i Omari, item (s) registered in the name of Omari Yanga Omari, item (u) registered in the name of Omary Omary, item (v) registered in the name of Omari Yanga Omar while current title holder is Omar Omari. Finally, third group items (b), (i), (j) and (o) all are surveyed and registered plots but ownership or title was not established. According to the provisions governing conviction-based forfeiture, cited above, for a forfeiture order to be made, the court must be satisfied that: the impugned property is in respect of persons convicted for a serious offence, is tainted meaning is used as an instrumentality connected with the commission of offence or is a proceed of crime. Herein, the Applicant was persuading the court that the mentioned properties were proceeds of crimes of drug trafficking for which the Respondent was convicted in Economic Case No. 1/2020. It is to be noted that in Economic No. 1/2020, the prosecution had sought for confiscation of a motor vehicle Toyota Land Cruiser with registration No. T 325 DJX, item
- (t) in paragraph 10 of affidavit, alleging it was an instrumentality for ferrying j narcotic drugs to the Respondent's residence at Bombo, where narcotic were alleged seized. However, this court speaking through Honorable Banzi, J 13 declined an invitation by the prosecution to confiscate it, holding that the prosecution failed to prove that the same was used as an instrumentality, 1 i F ' instead restored it to its rightful owner Omary Yanga Omary. This was the basis of this court, to sustain a preliminary objection raised herein, that it , -r was functus officio to entertain item (t) in paragraph 10 of affidavit. In that regard, the Applicant remained with an option to prove that the impugned properties in paragraph 10 of affidavit are proceeds of crimes, as aforesaid. To buttress their argument, the Applicant submitted that the impugned , " JI i ; properties were either acquired or developed within ten years prior conviction for the serious crime on 20/11/2020. However, for the second group or category of properties registered in the name of the third parties including properties itemized in the third groups . whijch its ownership and title were not accounted for, in the affidavit in support, the applicant did not elaborate on how, why or on what terms t are, tainted properties or proceed of crime in respect of the offence of drugs,trafficking. In the third category, a question as to who, when and how were not stated. As for the second groups of properties in the name of third parties, in a statement of Inspector Wamba (annexure NPS 4 to the affidavit), made a general assertion that some motor vehicles were registered in the name of the Respondent's son one Omary Yanga Omary 14 who in his investigation revealed that at the time of purchasing was very young. But the investigator Insp Wamba, did not go further to establish the actual age of the alleged Omary Yanga Omary, neither investigated as to when and where were acquired nor stated as to whom and where it was purchased let alone the purchasing price. Also, in the annexure NPS 4, Insp Wamba alleged that in his investigation revealed that even properties which the Respondent

had inherited, have been under routine maintenance. However, the investigator did not state categorically as to which properties fall under legacy and which properties the Respondent concealed by purchasing in the name of third parties, to wit Respondent's children and family members. The argument that properties were registered in the Respondent's children and family members names to disguise the illicit origin of the said properties or that the names Omary Yanga Omary and Yanga Omary are one and the same representing the Respondent, are facts which crop up in submission, but were not forthcoming in the evidence by way of affidavit deposition. The case of Muharami Mohamed @ Chonji (supra), is slightly distinguishable to the facts of this case, because there in the apex Court was dealing with a mere restraint order and not actual confiscation or forfeiture. However, at pages 30 and 31, made an important obiter dictum on how to deal with the interest of third parties at the conclusion of proceedings (that is at a stage of confiscation and forfeiture), I quote, We only wish to put an anecdote here that the above conclusion does not mean that third parties interests are completely ignored in proceedings of this nature. They are taken care of at the conclusion of the proceedings. The practice obtaining in England under the Proceeds of Crime Act, 2002 is that: "The third party interest is only taken into account following the conviction of the defendant as part of the hearing for confiscation order. The value of the defendant's interest in the third party must then be decided by the court as part of the confiscation proceedings" Herein, it was not established regarding the amount, extent of share of the Respondents in those properties registered in the names of a third party. I am alive of the position of the law that the standard of proof for application of this nature is similar to the civil suit which is to establish by a preponderance of probability, see section 75 Cap 256 (Supra) and Paulina Ndawavya (supra). However, that alone does not mean that the prosecutions are merely supposed to throw unsubstantiated facts or with scanty evidence, then lean to a fact that proof is on the balance of 16 probabilities. It is to be noted that, there is no any third party who showed up or appeared to the court showing to have vested interests on the impugned properties. However, that alone cannot be a ticket for concluding that the impugned properties belong to the Respondent and therefore tainted. Regarding the first category of properties which are registered in the name of the Respondent: Item (a) was acquired in 1986; item (c) was acquired in November, 1986; item (d) was acquired in 2001. In annexure NPS 4 to the affidavit, Insp Wamba made a general comments regarding properties acquired by the Respondents outside the cutoff period of ten years prior arrest and arraignment, I quote for appreciation. 'na baadhi ya nyumba zinazomilikiwa na mtuhumiwa zimekuwa zikiendetezwa katika siku za kariburti ndani ya miaka kumu toka siku Hipotoka hukumu katika kesi ya jinai' Actually, the investigation was merely alleging, he did not mention properties which fall under this category neither stated specifically as to when were developed. Presumably that is why in the submission in chief, the learned Senior State Attorney said nothing regarding these three properties to wit item (a), (c) and (d). 17 In the case of Muharami Mohamed (supra) at page 27, the apex Court appreciated the illustration made regarding developments carried therein/ I quote. We are settled in our mind that there was ample evidence that the first respondent added value to plot No. 68 Block "X" Magomeni Area/MXI/MWK/196,

Mwinyimkuu Street, Magomeni Mapipa area within Kinondoni Municipality in Dar es Saiaam by building a house in the rear part of the plot in which he lived We also are settled in our mind ■ that, as per the statement of Zena Mbaraka Magoma, the same was constructed two years prior to the arraignment of the first respondent'bo\6 added Therefore, it is not enough to merely allege without illustrating with empirical data and particulars as to how, when and extent of development, made to enable the court to make a fair determination if at all the purported development is amenable to meaningful development or a mere upkeep or maintaining in good condition of a property. To my view development of a property as described in the law is not the same meaning with maintaining it in good condition. Regarding items (e) acquired in 2010, (f) acquired in 2014, (g) specifically Plot .No. 144 Block "B" Mwambani acquired in 2010, (h) specifically Plot No. 615 and 617 Block "B" Kange acquired in 2015, (k) acquired in 2010, 18 (I) acquired in 2011, (p) acquired in 2011, I agree with the submissions of the learned Senior State Attorney that were acquired within the cut off period of ten years prior the arrest and arraignment of the Respondent in 2018. I therefore hold the view that they are amenable for forfeiture for being tainted properties on account of being proceeds of criminal activities of drug trafficking subject for conviction of the Respondent in Economic Case No. 1/2020. My undertaking for forfeiture, is grounded on a fact that the Respondent did not dispel a fact that these properties are registered in his name and were acquired ten years back counting from the date he was arrested and arraigned. For another thing, in the counter affidavit, at paragraph eight, i the, Respondent pleaded that he acquired the impugned properties through his businesses which he was legally operating. But the Respondent did not furnish particulars of the alleged business, as to which, how, where and for how long have been doing it. Neither mentioned destination or office where the business is situated or operated or any partner, capital, profit, TIN, taxes or annual return, business .i .i licence where is done solo or. The Respondent did not mention any 'i commodity he ever placed or displayed on a show room for sell anywhere j T : or at any time, be it onion or salt 19 In that way, I share the view of the learned Senior State Attorney that ; i i the Respondent failed to rebut a presumption that properties he acquired ten years back prior conviction are tainted and thus proceeds of crime , \ activities of drug trafficking. It is be noted that, I am not placing the i Respondent to an angle that he ought to prove legality of owning the impugned properties, rather my suggestion is that he ought to account or offer reasonable explanation on it, as per the law. Section 49(4) of Act No. 5 of 2015, provide, I quote, » 'As property shall not be forfeited under this part if such property was acquired by a person to whom this Act applies before a period of ten years from the date on which he was charged with an offence under Part III' Regarding a complaint that the Respondents was not served with a copy of a statement of Insp Wamba Makutubi. As alluded by the learned Senior State Attorney, that the same was pleaded at paragraph twelve attached to the affidavit in support of the application as annexure NPS 4. In the counter affidavit, the Respondent countered it for reason that it was not among the committal bundle, and nowhere complained that it was not attached to a copy of chamber summons served upon him. As such, this 20 complaint at any rate is belatedly and an afterthought Again, the learned counsel for respondent attacked the affidavit in support of

the application on being hearsay and speculation. However, as alluded by the learned Senior State Attorney, nowhere the deponent mentioned any fact being hearsay or obtained from the third person or from the alleged Insp Wamba. Therefore, the rule of hearsay cannot apply, and a case of Superdoll Trailer (supra), is distinguished in that respect. Therefore, even the second limb of the preliminary objection which it is verdict was reserved, is taken into board by the adumbration above. Hence, its overruled. There was an argument from the learned Counsel for Respondent that there is a pending Review No. 1/2021 at the Court of Appeal which according to him is a bar to this application to proceed. However, the learned Counsel did not say if at all a review at the Court of Appeal is proceeded by a notice, for it to fall within the purview of Serenity On The Lake (supra). To my understanding it is only upon lodging a notice of appeal that can make the High Court to cease to have jurisdiction over the matter subject to the appeal. To my view, review is not an appeal for all purpose and intent. Above all, there is no requirement of lodging a notice for intention of filing a review. And therefore, it is legally untenable to say lodging a review automatically takes away jurisdiction of this court. Above all these proceedings are post conviction based. The law presupposes lodging it immediately after conviction and indeed set time limit for lodging an application of this nature. Section 9(1)(a) and (b) of Cap 625 (supra) speaks louder, I quote 'Where a person is convicted of serious offence, the Director of Public Prosecutions may, subject to subsection (2), apply to the convicting court, or to any other appropriate court, not later than twelve months after the conviction of the person, for-

- a) a forfeiture order against any property that is tainted property in respect of the offence; or
 - b) forfeiture order against any property of corresponding value added In the provision of the law above quoted which govern lodging of application of this nature, there is no mention of appeal or review. Had the Parliament intended that an appeal and subsequent protracted court processes could be a bar or embargo for the application of this nature, could had said and enacted in those terms explicitly. For avoidance of doubt, the following properties are forfeited to the Government of the United Republic of Tanzania, namely 22 i
1. Plot No, 32 Block "C" Magaoni Tanga Municipality;
 2. Plot No. 73 Block "A" Mwambani Tanga Municipality;
 3. Plot No. 144 Block "B" Mwakidila Tanga Municipality;
 4. Plot No. 615 and 617 Block Block "B" Kange Tanga Municipality;
 5. Plot No. 30 Block "C" Mwakidila/Magoani Tanga Municipality;
 6. Plot No. 605 Block "A" Mwambani Tanga Municipality;
 7. Plot No. 606 Block "A" Mwambani Tanga Municipality. The rest properties are discharged.
- The application is granted to the extent demonstrated above. 23

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Prepared on 14 October 2026 · Esheria