

TANZANIA / JUDGMENT

19800229 TZHC Dar es Salaam

COURT
TZHCDECIDED
29 February 1980

Source: media.tanzlil.org · Research copy typeset by Esheria. Not court-issued or certified.

i •": I - THE, HIGH COT OF TZNIA I. ATDARESA HIGH COURT CRmINP.L APPEPL NO. 20 OF 1979 C/F CRDIDL APPLICATION NO. 49 of 1979 ORIGfl&L CRflWIL CASE NO. 266 OP 1978 OP THE DISTRICT COURT OP KILOSA DISTRICT AT KILOSA Bfore K.A. Kt3LOLELt., Esq., D. Nagistrate flnISA N&RIZA. KINPIJ *oil iii . Appellant (Original Accused) Versus THE REPUTtC èè. i is* i4i .. s 6 o Respon.en± (original posecutôr) : iet CouXkt: COnpLracy to: dommlt a felony o/ 34 of the Pena.

- . Code Steaing c/s 265 of the ?enài Code Count:. Stealin c/s.65.of the Penal Code, - KIMiCH, J. — This is an appeal against conviction and sentenced The appellant in this case Edrisa Nbariza Kinth wu charged with four others with Conspiracy to commit a felony c/s 384 of the Peiai Code, Hb was also charged with two othrs in counts .2 and , with Stealing c/s 265 of the Penal Code. ,. The appellant was the 2nd accused in the los(er Cijt •' In his 28 page judgment, the trial maistrat acq.iitte all the four accused of the charge of Conspiracy to CommIt a felony oba 384 of the Penal Code,.. The first and 3rd accused were also acquitted of the charges: of stealing.. The fourth accused ws1coyjtcd of one charge of st&ling.and sentenced to five years! imprisonment. And the appellant was acquitted of the to charges of stealing but was in the alternative convicted of being an. accessory after the fact I _ to a. £elonj'c/s 388 of tb.é Penal Code and sentenced to five yearst imprisonment on each count. Sentnces. to run consecutively. The trial magistrate grossly misdirected himself. i. purporting to convict the appellant of the said alternative offence; as. he &nölegal authority for suchan action. The :appeal is. for the above rcasons allowed .th its entirety. The cbnviätiàns are quased and the sentences are set aside. The appellant is to be :s.Ot at lilbery.. forthwith unless held lawAlly under: other charges., . DOl1verèdin open court S.ala this 29th da3f February, ieo

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE	https://media.tanzlii.org/media/judgment/350801/ source_file/3c9284088b4f23d1/19800229_TZHC_Dar_es_Salaam.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/edrisa-nbariza-kinth-v-the-republic- conspiracytocommitfelony-tzhc-1980

Prepared on 13 October 2026 · Esheria