

TANZANIA / JUDGMENT

## na TZHC Dodoma

COURT  
TZHCDECIDED  
1 January 1971

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

fl c OF T!;Ull 0IiI@LLL JdISIDIC 11 IOJ: (ODCi i IT\*Y) CFL..IiI.aL S CL 110. 213 OF 1971 The I.epublic vs i'sus LO11 s/o IiP0iTZI. Charge; 1st count;- Being in poesesin of paper for forgery contrary to section 341 (a) 2nd count; Uttering a false document contrary to Sectio]a 342 of the -penal Code. iunt; Obtaining goods by false pretences contrary to section 302 of the -penal Code. Cap. 16. :j.n The accused is charged with forgery, bein, possession of a forged currency note, uttering a false document ana obtaining goods by false pretences, e has denied the charge, alleging- that it is a ' 1 frame-up. As the learned state attorney who prosecuted the case against the accused admitted, there is no evi(-'ence that the forged currency note of which the accused was found in possession was actually made by him. Accordingly I find the accused not guilty of forgery and I acquit him on the first count. The evidence against the accused is overwhelming. The shopkeeper Joseph Bitoni told the court that as he attended custimers at his shop, the accused who was a stranger turned up and scanned the goods displayed therein. He then ordered a shirt and vest which were wrapped for him after he had inquired and been told the price of ch item. He then took out the forged iote which Joseph accepted ad would have put away had the forged note not been such a clumsy initiation. The accused who had already taken delivery of the goods was unable to deny either that the note was forged nor that he had himself produced it from the wallet taken out from his trouser- pocker after being told how much the shirt and vest were going to cost him. P\,3 Valentino Kasaga who was buying paraf in oil at the same shop watched the entire transaction and recounted it to the full in ôourt. T ; accused was taken to Police after Joseph had called the neighhoi 5 to se what the ccusod had done. One of those called at the scene was the cell-leader spare Sigara whose evidence does not contradict Joseph's in any material particular. The accused was then sent to the Police station where he was arrested and charged. The clothes which he hi:as elf arrived carying 1 at the Police Station were seized as exhibits. In his defence the accused alleged that the charge is a frame- up. He does not ex:)lain why Joseph to whom he w.s a co:..iplete stranger should decide to incriminate him. The accused did not explain either why the prosecution witnesses should corroborate each other in every material particular. His defence is so unreasonable that it is not capable of raising any doubt in the mind of the court as to his guilt. The second and third counts allege that the accused possessed and uttered t forged note. The accued could not have been found in possessionthe not: had ho not uttered it to Joseph. I am not certain that these two offences are not founded on the same identical facts and as such whether the accused would not be unfairly-. ,1

## 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/348128/source\\_file/90adcce0b2f40366/na\\_TZHC\\_Dodoma.pdf](https://media.tanzlii.org/media/judgment/348128/source_file/90adcce0b2f40366/na_TZHC_Dodoma.pdf)

**CASE PAGE**              <https://chat.esheria.ai/case-law/tanzania/forgery-tzhc-1971>

Prepared on 14 October 2026 · Esheria