

TANZANIA / JUDGMENT

19710702 TZHC Arusha

COURT
TZHCDECIDED
2 July 1971

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- 63 OF 1971 ILj. C11kI,.1. CA-AJ uc. 370 CF 1970 C' IbTRICT C.JtT (1. JLRCT ti hot ore JJ. Kwam, ksa. District Maibrato JAG fl,'o Yth. A i..JJkn'/iccuJcD versus 'jii:*,...•..
•.... tARG: 1. .teaiin, from Vernon of another, contrary to section 29 (n) of tn. Penal Code s
Cap. 16 Vol. 1 of the Lawa.
- 2. ñOiflb' in poss.osition of property suupectsd to have been atolon contrary vo section 312 of
the Penal Code, Cap. 16 Vol. 1
- of the lawa. BAY.Bi, J. - .beeo are a.,peals aa1nit o nviotion and söntonce on a oarg. of 3tsalin
from zz Person or anothr contrary to nection 269
- (a) of the }'en&l Code. 'j;ho erpe,lant waj ordorod to uerve three yesro in prison. The
complainant ceujit the a pellant'e hand in his pocket from which Lha. 30 0/- had been
extracted. A Police (.ff leer was nearby and immediately arre.te4 the .ppsl1ant. Net a win.lo
wcrd 4 i said in detence and the oiurt had no altsrnetivo but to convict. In his lotition of
Lppoel the appeLlant eaiit tnat he gave evidence to explain the pooseesion 01 the money
found on him; that the trial megI.trate refused to write it down and also to allow his to call
his witness. 'The •eoord shows nothind of the kinA. If an appu 1nt tithee to cha1lene the
record o' proce.dlne he must do no by stronger ev2doflco than a acre assertion in hib
Petition of Appeal which he does not make an apearanoe to oupport* here are no grounds
for interferin with 'the oonvictitn. The ioo sed had it record o: eight eonvio'tion5 five of
which were or similar offeoea. he iad been relaaed about four months before after e.,vin, a
sentence of two yvara torlike offence. The l:erned trial sastratw tok th*uu facts into
ccnsdsrstion when he imposed a turm of three am years imprisonment. I canot say in thme
cirownutances that the aentonos wus manifestly exceeve. As a rssuli the aipeal is diemissed
in its entirety. Delivered in Court at irusha the 2nd day of July, 1971 , L7RL) SU .i 0 jnm 1 Mj

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