TANZANIA / JUDGMENT

19771003 TZHC Mwanza 1

COURT
TZHC

DECIDED
3 October 1977

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

lIT TEE NiGH COLIT OF TNZN1 T MNZ PPLTiJUHISD1CTi0N HIGH CCJTiT liPPSAL NO. 170 OF 1977. (Original Criminal Caro Nc. 150 of 1977 of the District Court of Geita District at Geita - Boiore F. N. Buberwa, Esq., District No(,dstrate) JOSEPH BiVUNI. . . . . •. . . .. IPFELLINT versus THE REPUBLIC. • . . fdoafo • • • • .... • iESPONDENT CHARGE: Stealing contrary to section 265 of the Penal Code. JUDGMEIIT. LUG1KING111P, J. The appellant sew his uncle put money in a mattress, •Shs.10,400/=, and made away with it ao soon as the uncle left the house. He was

- convicted of simple toeft and sentenced to three years' imprisonment. There are no marils in the appeal. 1though the evidence was wholly circumstanbial, it irresistibly pointed to the appellant's guilt. As soon as his uncle 1e:t -the house, his aunt saw him go into the material bedroom and lock him;eLf from inside. 14 few minutes later he came out and strolled away withrut even saying good bye. His aunt became suspicious and went into the bedroom where she found the paper in which the money had been wrapped throun on the bed. She raised an alarm. The appellant was pursued but when he relised that he was being followed he took to his heels. He was arrested in Mwanza ten days later. On that evidence I am satisfied that the appellant stole tie money. He otherwise did not have to behave so strengely. - The conviction is therefore upheld. The appellant os a first offender and aged eighteen years at the time. He also stole his own uncle's money. These factors should have been taken into consideration in sentencing. I do so hero and reduce the sentence to one of twelve (12) months' imprisonment. I will not disturb the order for compensation. Save to the vari..-tion in the sentence the appeal is otherwise dismissed. .k •\J MiiiNZI. K.S.K..LUGKjNGLU 3/1 0/77. JUDGI..

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/350838/source_file/c0bb6695c8091a2e/19771003_TZHC_Mwanza_1.pdf

CASE PAGE https://chat.esheria.ai/case-law/tanzania/joseph-bivuni-v-the-republic-theft-tzhc-1977

Prepared on 24 October 2026 · Esheria