

TANZANIA / JUDGMENT

20190920 TZHC Arusha

COURT
TZHCDECIDED
20 September 2019

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA ·! ... · I IN THE DISTRICT
REGISTRY OF ARUSHA · AT ARUSHA (PC) CRIMINAL REVISION NO. 11/2017 (Originating from
PC Criminal Case No. 382/2017 in the Primary court of Babati District at .Babati) JU MA IDDI
■ I ■ • APPLICANT I VERSUS. I ' I SALOME
TLUWAY..... • RESPONDENT I I RULING: ! COURT: Upon visiting the
Babati prison as part of supervision of lower I court on 19/09/2017, this court noticed from a
complaint of one Juma Iddi . who was charged with two others of the offence of Theft c/s 205 of
the Penal Code, Cap 16 R.E 2002. Upon conviction they were sentenced to I serve an
imprisonment term of 6 months. However, even from the first appearance, the second accused
was a child of below 17Yrs,. · When he I was ·asked, he declared his age to be 16 I yrs old and
upon perusal of the records, the 2nd accused while testifying, in defence, he declared his age to I
be 16 yrs old. Owing to that fact and having satisfied myself that the 2nd accused in Babati
Primary Court Criminal case No.; 382/2017 is a minor of 16 yrs of . age; it follows that the
sentence passed against him is illegal. Section 116 · (1) of the Law of the Child Act, No. 21/2009
provides for sentence that may be passed on a child offender and no imprisonment sentence has
I l l I · · "' · - : : been ; prestribed/ Ifs on those grounds that I have directed myself in the ; , ·
_interest of : jLJstice tha ~ _call the records of Babati P.r,imary _Court (riminal Case No.
382/2017 and revise the sentence so passed on the 2nd accused/ applicant herein. Consequently,
the sentence so passed ~n the 2nd accused Juma Iddi is hereby revised, quashed and set aside. He
should be r~leased from prison henceforth unless he is otherwise lawfully held. It is so ordered.
SGD:S.M. MAGHIMBI . ' JUDGE . 20/09/2019 . I hereby certify this to be a true copy of the original
DEPUTY REGISTRAR HIGH COURT - ARUSHA 2 I

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/juma-iddi-v-salome-tluway-sentencingofminors-tzhc-2019>

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