

TANZANIA / JUDGMENT

19760326 TZHC Arusha

COURT
TZHCDECIDED
26 March 1976

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hLi& k, '4 -- IN THE HIGH COUTT OF 'iVNZiNIJ AT_RUSHA APPELLLE_JURISDICTION HIGH COURT CRIHINAI Al' iL NO. 218 OF 1975 4 ORIGINAL CRINTNAL CASE NO. 303 OF 197A • - OF THE DISTIT COULD' OF PRD DISINIICT 21T SANE BEFORE: S.ND.Idq.iJatrick Pb.istrate LEONJRD PAS HL1E .•.. 4. Accused) PELLJNT versus THE'RE?tJBLI ;..... RESPONDENT (Ori.thal Prosbctor) j I\i1ALiLi L.G. J. The appellant was charged in the district Court of Pare district at Saxe on four counts - that is Stealing by Servant c/s 271 and 265 of the Penal Code in the 1st and second counts. In the third count, the typed copy of proceedings show the charge to be one of Stealing by Servant c/s 273 (b) 'of the Penal Code, but it would appear that this was a typing error, since the original record shows the charge to be ony6f Stealing by Agent c/s 273 (b) of the i'enal Code. This is confirmed by, the judgement of the trial court. In the fourth and fifth counts the charge was one of Obtaining credit by false pro, tenceo. He was convicted on the liii and 3rd comets and sentenced to 3 years imprisonment on the first count and 4 years imprisonment on the fourth count. Sentences wore ordered to run concurrently. He was acciuitted on the other three counts • He is now appealing o this Court against th e convictinso and Sentences. The ie.ce ox tho case accora.ing to the prosecution are thab the a pellxnt was at all material times employed by Karinjee Jivanjec Sisal Estates, Ltd. and was posted at the comp any* s Makanym Sisal Estate as a manager of that sisal estate. AaoriD his duties es a manager was to keep safe custody of estate reonos and Palent of wages to labourers employed on the estate froø funds which he received from the head office of -t;he Company at Tanga. For the performance of his duties, apoellaietanaintained a company record of the financial transactions in a c ceapany cashbook and he kept any cash at hand in a sale in his oxiice. Early in August 1974, a senior official of the Company from headquarters at Tang-a. paid a surprise inspection visit to Makanya xatate and checked. the accoirn..s kept by the appellant and compared it with the cash at hand • A shortage of money was discovered 2 but he aepellanf asked for time

- to make his accounts hooks which he claimed not to have been done. He was given 3 days to do so during which period the appellant reported that his office was broken into and all moneys at hand stolen..
- - .Lsubsecjuent/2 Judgeme.nt delivered thiesaiie day of 26th March 1976 in open court at Arusha in the, presenceof Mr. iVflay, State
- Attorney. • (F. L. ALL.LI) FLN/LITIM. AG. JIJJG-E. 4&.

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