

TANZANIA / JUDGMENT

19830820 TZHC Mbeya 1

COURT
TZHCDECIDED
20 August 1983

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- 4 - iC IN TIH HIGH COUTIT OF TTh LT YA •/F23]IL 1E JtJRISDICTIONi HIGH CQtYRf
CRININIL ::PEAL NO.54 OF 1983 (Original Cri-nna1 Cso 10.195)f 1983 of. the District Court
of Mbeya DistrIct at Mboya.' : .. Before: J.B. Mhagama, District istrate)OAPPELLLNT Li g
inai Accused) Versus ¶II. REPUBLIC. • . . , • , • RES)NIYENT
(O±"iginai Prosextor) Clr ge 1st count, Seiioda above the maximum prlcO c/s 20 N0.19 of
B.regulation of price :ct .1973 2nd. cowit Failing to disp1a'h raimu price of the Rguiat3.on tç
rive controlle4 goods o/a'17 '(i)'&' No.W'ö Iteguiatihi bf. pri.' JQ The appellaut was char-did
with, two couxibe4I111 goods above the maximum piibe kix by the rt' Cocamission and
failing to &riplay th ogoods she was selling. The e'id.cc wa t/83.'PC Francis (Pdi) had
informtion that traders wexe hiki4g : prices. He sot out to the market. He c11lod at the
appe1lants place and askca for rico hG gave het k.1001= note and she returned a change of
shs40/ He ha bght 6 bowls (bakuli) at shs.10/= each, It was said th% *e contents of the bowl
weighed less than a kilogram. appellant wis accordingly charged. Ii: her defonco denied that
she sold the rice in ouest:n. That t4 pliaR had planted the ctsc againet her. She as convict f
the first count and sentencod to one y. imprisonme SI was ac'.it 4 the '-c ' - . c.uit.. h ha aea1d.
9hre ws alo cvi [ieo t. .t t :. ±i.nt s .ilJ 6 bowls a shs060/= or ioJ och, Oil n :r C)flViotiofl cannot
be upheld fr - o rosG F, i r s t here x ,as no technical ev•idene as to the relttionshi of the bowl
to the metric weightb Tho court should have verified this fact by hoving the cutents of bowl
weighed and make a finding in that rc-spect or, 1tornatively get the evidence of an expert
from the deprtmont f weights and measures. The eccm,4 reason is that thoprice list Was not
produced in eourtQ The trial maistr;te was contented with the vorbeJ vcrsi3ns of the
witnesses that, the price o rice wts shs07/20 a kilo She dId not evei-t know wiio fixed the
pxice and whether he. had the authority to so fix., With the abo.b rerrks this app.cal must
sucd. I quaCh the ape.lzft 9 s conviction which the Republic di4 not sock t su.1 ort 9 set aidc
t'e sontQnce and order her 1rned1atL - .----- At Mboya . JtJDGi 20/8/83 T1-

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