

DECIDED
18 April 1970

IN THE HIGH COURT OF TANZANIA At Dar es Salaam Criminal Appeal No. 214 of 1970 (Original Criminal Case No. 231 of 1970 of the District Court of Dodoma District at Dodoma). BEFORE: N. MUSHI, Esq., RESIDENT MAGISTRATE MAGARSINGHANOICSINGH.....APPELLANT versus mm-' T) iTt7Tt

- DrOr1rT' JJ.JLl 1tLJLUUjJ.LJ 1 I I I I a a a 1 I I * IISSSIII •• CHARGE: Unlawful staring in Tanzania c/s 23 (i) (i) (2) of the Immigration Act 41 of 1963.

HAMLIN, J. – The appellant was convicted in the District Court of Dodoma on his own plea of an immigration offence under section 23 (1)

- (i) (2) of the immigration Act — that of unlawfully staying in Tanzania. He was sentenced to pay a fine of Shs. 500/— or in default of payment to three months imprisonment. The fine was duly paid, and the accused now appeals to this Court against the quantum of the fine. The Petition of Appeal sets out that the appellant is a carpenter by trade and is aged about 62 years; he is stated to be unemployed and is a first offender. The appellant asks this Court to remit the fine wholly or in part and for any excess to be refunded to him. Now I do not think that this Court can possibly agree that this offence is not a serious one. It is contended in the Petition that the appellant was originally in this country lawfully but that he failed to take whatever steps were required of him when the particular legislation under which he was prosecuted was enacted. Whether this be correct or not (and the claim is not in accordance with the facts as given by the prosecutor to the court and admitted by the appellant) it is clearly the duty of persons residing in a country to ensure that they comply with the requirements of the immigration authorities. To hold that such requirements need not be complied with would result in complete administrative chaos. I do not therefore think that the appellant has any firm ground on which to stand and to pray this Court to reduce his punishment. It is at least quite apparent that the magnitude of the punishment is not so excessive as to warrant the interference of this Court on appeal. In the event therefore, this Court considers that the appeal against sentence is without substance and that there are no material circumstances of the case which could lead this Court to consider that sentence ought to be reduced. After reading the record, this Court is satisfied that the appeal has been lodged without any sufficient ground of complaint and I consequently order that it be

forthwith summarily rejected. Dar cc Saluam. (o.T. HALYN) 18th April, 1970 - JtJDG

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