

TANZANIA / JUDGMENT

19770415 TZHC Mwanza

COURT
TZHCDECIDED
15 April 1977

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

~ w. J~ ,. IN The I-11G11 COURT . OF TANZANIA AT MWANZA APPELLATE irRISDICTION HIGH COURT CRIMINAL APPEAL NO.1 1 OF 1977 (bg:inai Critüüi.al Case No.404 of 1976 of.the District Court Qf Bukoha District a.Bukobabef'ore P. P . Moyo, Esq., Magistrate). APPELLANT versus. S

- SP0DENT5.. J U D C- E M E N T • PALII, J. - The appellant was convicted of the offence of robbery with violence contrary to sections 285 and 286 of the Penal Code. He was sentenced to seven years imprisonment under the Minimum Sentences Act. The whole case in the trial court turned on the credibility of the complainant, Gerad Mpagi, PW2 regarding his identification of the appellant. He was positive in his evidence in the trial court that it was the appellant whom he knew, who in concert with three other persons assaulted and forcibly took away shs.3101= from him. He said that he identified the appellant because he talked to him when he asked him to stop and also that there was sufficient street lighting which enabled him to see the appellant clearly. At the earliest opportunity he mentioned the appellant's name and this led to his arrest. S The trial magistrate accepted this evidence as true and rejected the appellant's denials of involvement in this offence.
- • 9 /2 I - The trial magistrate very carefully considered the contending versions before coming to the decision which he made. In the absence of other evidence in the record it is very difficult for me to substitute my own views on the credibility of a witness. For these reasons I am satisfied that there was enough credible evidence to support the appellant's conviction and that therefore this appeal should and it is hereby dismissed. Delivered in Court at Mwanza this 15th day of April, 1977 PRINZA L L\ A)\ L. NFA LILt 157121. 11 PRIL9377, JTJDC-E

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/350664/
source_file/44baccbeacfa4f90/19770415_TZHC_Mwanza.pdf](https://media.tanzlii.org/media/judgment/350664/source_file/44baccbeacfa4f90/19770415_TZHC_Mwanza.pdf)

CASE PAGE [https://chat.esheria.ai/case-law/tanzania/name-not-provided-v-republic-robberywithviolence-
tzhc-1977](https://chat.esheria.ai/case-law/tanzania/name-not-provided-v-republic-robberywithviolence-tzhc-1977)

Prepared on 30 October 2026 · Esheria