

TANZANIA / JUDGMENT

19710609 TZHC Arusha

COURT
TZHCDECIDED
9 June 1971

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- IN THE HIGH COURT OF TANZANIA AT ARUSHA APPELLATE JURISDICTION CRIMINAL APPEAL NO. 211 OF 1971 ORIGINAL CRIMINAL CASE NO. 457 OF 1970 OF THE DISTRICT COURT OF MUHEZA DISTRICT AT MUHEZA BEFORE E.H. NDUNGURU, DISTRICT MAGISTRATE KEA s/o JUMA APPELLANT/ACCUSED versus THE REPUBLIC ,,... ..O.....PONDENT/PROSECUTOR CHARGE: Obtaining money by false pretences contrary to section .302 of the Penal Code, Cap. 16 Vol. 1 of the Laws, \ D T\ T' 10 k- BRAMBLE, J. - This is an appeal against conviction and a sentence on a charge of obtaining money by false pretences. It was alleged that the appellant held out himself as the owner of a shamba and sold it to the complainant. It was later proved that the shamba did not belong to him. The prosecution called several witnesses who proved the presentation and the sale. In addition a receipt for part of the money was put in evidence that it was said to have been signed by the appellant. In answer to the charge the appellant denied knowing anything about the transaction and claimed that he was being framed because of a quarrel with the complainant and other witnesses. He did not put this in the cross examination of any of them. His Petition of Appeal has raised the same issues the court had to consider and certain statements that do not appear on the record. It further challenges the accuracy of the record in so far as the evidence goes. His mere word is not sufficient to impugn our official record. The conviction is fully supported by the evidence and the sentence is by no means excessive. I certify that after perusing the record I am satisfied that this appeal has been lodged without any sufficient ground of complaint and order that it be summarily rejected. Arusha 9/6/71 (C.E. BRAMBLE) J U D G E j sm

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