

TANZANIA / JUDGMENT

19771124 TZHC Dodoma1

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TZHCDECIDED
24 November 1977

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.., IN 'THE HIGH COURT OF TANZANIA AT DODOMA APPELLANT JURISDICTION CRIMINAL APPEAL NO. 189 OF 1977 ORIGINAL CRIMINAL CASE NO. 320 OF 1977 OF THE DISTRICT COURT OF IRINGU, B. 6707 P. C. PAUL RESHABULA v. THE REPUBLIC. Appellant (Origin Accused) Respondent (Original Prosecutor) Charge: Corrupt transaction with an agent s/s 3(1) and 3(u) of the Prevention of corruption Act No., 16 of 1971

JUDGMENT

JO, NATHAN, J., The appeal has little or no merit and I submit to heretofore only but use it with, being urged by, and advocate of this court on behalf of the appellant. It will be the prosecution case that, the appellant, a police constable, on the relevant day solicited and obtained a bribe of shs 200/= and a tin of maize from P.W.1 so that he might be able to arrest and take the complainant to the Ruuhu Police Post. There was no dispute that on 11.11.77 the appellant was posted to that station before being transferred to Iringa Police Station and that at the relevant time his family were still at Ruuhu occupying a house in the neighbourhood of that of one RAMADHANI, the father of P.W.4 SHIDA. He had that day paid a visit to his family. According to P.W.1, P.W.2 and P.W.3 they had travelled from their village to Ruuhu with 7 bags of maize as a present to their relative RAMADHANI. They could not find him present but his daughter SJIDA W.1s present, and they duly handed over the maize to her. The appellant and O.P.1 and 2 then went to her house, and then he and soon thereafter came in the scene (being in civil clothes but otherwise being known to the witnesses to be a police officer). Then, charging them with transporting maize without having a permit, he declared them to be under arrest and wanted them to accompany him to the police post. They said they tried to explain that the maize was only for sale to their relative but he was adamant they should follow him. In the end, however, he might have arrested them if they gave him shs 120/= and a tin full of maize, which upon P.W.1 gave him such sum and then they left. The appellant then went away with the money saying he would presently seek his younger brother to collect the maize. Not long thereafter his younger brother came and received the tin of maize from them. Then the witness, immediately reported the incident to the police post. The appellant, in his unsworn statement, admitted while admitting to have gone to Ruuhu that day flatly denied the charge. Indeed, he denied ever seeing the prosecution witnesses there. He would however not suggest any reason for them to say falsely to implicate him. They all knew him and as

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Dtlliv,,r-,J in op,m c0urt thi'~-- 24th duy of November, 1977 • .! .-. Po M. JONATHAN JUDGE. ,{ (.
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