

TANZANIA / JUDGMENT

republic vs elifaison so mmary another 2006 tzhc 213 29 june 2006

COURT
TZHCDECIDED
29 June 2006

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Hi T7T3 HI3H COURT OF TANZANIA AT MOSHI CRIMINAL SESSION CASE NO. 9 OP 200*+ T:r-'
REPUBLIC V3S

1. ELIFAISON S/O MMARY

2. GOQDLUCK KANEA Date: 29/6/2006 Coram: F.A.B. Jundu, J. For Republic; Mr. Maugo, State Attorney For 1st Accused: Mr. Sandi, Advocate For 2nd Accused: Hr. Lumambo, Advocate
Accused:- 1st: present and under custody 2nd: present and under custody C/C:- Matiku
Information of Murder c/s 196 of the PenalCode is read over and explained to the accused persons in their own language and they are required to plead, thereto Accused's Plea: 1st Accused: It is not true 2nd Accused: It is not true. Court:- Entered as a plea of not guilty.
F.A.a. JUNDU, ' , judgtc 29/6/2006 Mr. Maugo:- My Lord, the Director of Public prosecutions on behalf of the Republic notifies this court that he no longer wishes to prosecute the information of murder against the 1st and 2nd Accused persons, he pray3 to withdraw the information by entering ,Tolle Prosequi under Section 91 (1) of the Criminal Procedure Act, 1985» Mr. Sandi:- My Lord, I have no objection to the prayer made by the learned State Attorney for the D.P.P. Mr. Lumambo:- My Lord, on behalf the 2nd Accused person in this case, we have no objection to the prayer made by the learned state Attorney for the D.P.P.
Order:- Upon the Director of public Prosecutions entering fJolle Prosequi in respect of the information of murder charged against the 1st and 2nd Accused persons as duly notified to this court vide the learned State Attorney under Section 91(1) of the Criminal procedure Act No. 9 of 1985t I hereby at once discharge the 1st and 2nd Accused persons in respect of the information of murder c/s 196 of the Penal Coie which they were charged with and for which the Director of Public Prosecutions has entered Nolle Prosequi# I further hereby order that the 1st and 2nd Accused persons be released from custody (prison) forthwith* However, this discharged of the 1st and 2nd Accused persons shall not operate as a bar to any subsequent proceedings against each of them on account of the sa-ne facts* It is so ordered. ~» F.A.R.
JUNDU JUD-33, 29/6/2006

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/republic-vs-elifaison-so-mmary-another-2006-tzhc-213-29-june-2006-2006

Prepared on 13 October 2026 · Esheria