

TANZANIA / JUDGMENT

19730315 TZHC Arusha

COURT
TZHCDECIDED
15 March 1973

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49—T IF THE HIGH COUJT OF TANZJIA. AT ARU SI-IA APPELLATE JtLiICLLCTiON HIH COURT
CRPI] AL APPEAL ND. 247/72 ORIGINAL CI1IMII'AL CASE Nb. 2 220/71 of the District Court of
Tanga District at Tanga Before B. D. Chipeta, Resident Magistrate RLMADHANI s/o MIGI •. •••• .
•. •. ••••• kP±ELLANT VERSUS THE REPUBLIC •••••xL IDEbT CHARGE:
Stealing by Agent 273(b) and 265 of bbe Penal Code. t Bramble, J. Jul D G~7.11YIIL'I This appeal
care on for hearin on the 10th Ncveober, 1972 and the appeal against conviction was disoissed
This rourti however', remitted the case to the trial magistrate to consider whether there were any
specil circumstances since the value of the goods the appellant was convicted of stealing fror a
public 'bcdi was under 100/=. I can only interpret the direction of the court as referring to the
provisions of section 6 of the Minimum Sentence Act where for a first conviction the court may
proceed as if the Act had not been enacted if the goods involved valued less than 100/=. The trial
magistrate did 'not conider this section of the Act. He has now found that the appellant was a first
officer and the guods valued under hs 100/=. He says that he has found special circumstances and
I take it to mean that he would not in these circumstances apply the Act. I will accordingly set
aside the sentence)f three years imprisonment and substitute such sen'tenc as would resuTt in
the appellant 's immeiate relcase sine he has already served about eight rnont:is imprisonment0
Delivered in Coit at Arusha the 15th day of 1, 11arch 9 1973. I' /cwm ' (C. E. RAMILE) JU DE De
Souza, State A...orney, for thc Republic Appellant ab sent and urepresented.

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Prepared on 14 October 2026 · Esheria