

TANZANIA / JUDGMENT

20080312 TZHC Mtwara

COURT
TZHCDECIDED
12 March 2008

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

IN THE HIGH COURT OF TANZANIA ATMTWARA MISC. CRIMINAL APPLICATION NO ..33 OF 2007 -u~ THE MATTER OF APPLICATION FOR Rf:::VISION ORIGINAL CRIMINAL CASE NO. 426 OF 2007 OF MTWARA DISTRICT COURT AT MTWARA STELLA YUSUFU & ANOTHER APPLICANTS VERSUS THE REPUBLIC RESPONDENT Date of last order - 12/3/2008 Date of Ruling - 12/3/2008

RULING

MJEMMAS, J. The applicc1nts in this matter were convicted on their own plea of guilty for the offence of assault causing actual bodily harm contrary to section 241 of the penal code. The trial Magistrate sentenced

- ' each 0fthem to serve two years imprisonment. They were aggrieved by the conviction and sentence so they applied for revision of the proceedings and sentence of the District Court. The application was made under sections 372 and 373 of the Criminal Procedure Act, 1985 and section 44(1) of the Magistrates Courts Act, 1984. In their affidavits they complain that they pleaded guilty out of ignorance, incompetence and lack of experience in criminal proceedings. They also state or complain that the matter is not appellable that's why they applied for revision. In the chamber summons they have asked this court to call for record and examine the record of the proceedings 1 . ____ , .. and its legality, correctness and regularity. They have also asked this court to look at the sentence imposed on them. The Respondent Republic did not support the application. Ms. Shio, learned State Attorney submitted that the sentence passed is within the powers of the trial Magistrate and that there was nothing wrong with the proceedings of the case. She was of the opinion that if the applicants were aggrieved by the sentence imposed they have a right of appeal to the High Court. It was her view that the applicants ought to use their right of appeal instead of resorting to revision as they did. I have gone through the record of the case and I agree with what the learned State Attorney said. The applicants can appeal against the sentence if they are not satisfied with it. Revisionary power should not be exercised where applicants have a right of appeal. I have also looked at the record and there is no error apparent on t~e face of it. The applicants are advised to proceed by way of appeal if they wish to challenge the sentence. I am aware that the period or time of appealing has already expired, however, they can make an application for extension of time within which to file their appeals. From the

foregoing this application is hereby dismissed. .. : . ; , , , _ ~ ~ ~ " . , < ! \ . .

- .. , . . I , .. / . "" > .. / / ' - \ , . : ~ : . - - ~ _ . • - . . • • - . : • ~ 2

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/338760/source_file/7ef998ed73326d08/20080312_TZHC_Mtwara.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/stella-yusufu-another-v-the-republic-revision-tzhc-2008

Prepared on 14 October 2026 · Esheria