

TANZANIA / JUDGMENT

19830830 TZHC Mbeya2

COURT
TZHCDECIDED
30 August 1983

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cS- Lq THE LIGH COU1 OF TiNZJiIA PPELLE JtJR:tDICTION (Mbeya Relisty) RfIIINL ria 1,104 69 OF 1 98 2 QU!dORIIIAL CASE NO. 305 OF 1981 OP Tl- DISTHICT COURT OP MBEYA DISTRICT MYA Boforei J. li. nya, District Magistrate. 1-0 1JLLiNIJEL MV1JLiBOGO & OTRS P1ELLAbJTS) VERStJ.S Ti1ERLPtTELIC;..... cHRGE: aattle theft c/s. 265 and 268 of the Penal Code. 1% JJJCELT 'a (ERA, J, The appeUnts were charged with cattle theft. bn 6/lo/81 during the dar the omp1ainatit's 6.tt1e were on grazing field. His son Kurwa (W.i) was the herdsboy. Three people arrived there, grabbed the boy and tied him to a free arid drove 10 heal of cattle froQ the herd. Tha boy screamed and another herisbo; ner.)y. John L.bala (P3.2) h : 'd the boyè cries and went to his aid. The lo: to: I hiii hat has efalich him. By then the thieves were driving the 10 cov:s away. With the aid of Lga2bo the three appellants were laté arrested and charged, Li their defuce they denied that they stole the cattle. They were convicted and senenced to five years imprisonment. They appeal.hi to this court. The.issue was the identifioatioofthb appellants. The herdaboy (pcii) said he kne; theji bfore. They were the ' .rè±y pe61e whtied him to a tree. The ecod vrltries5 John (P1.2) said he also knew the appellants before, 11hen he went to the boy Kurwa (PV.i) in response to his. oiaam he 6aw the appeilaats driving the cattle, He identified them, The theft took placC in baxiLd iay light. There as no question of mistakek i&entit3. It could be said that the witn.:es rned up the appellants bat there was no reason for so doing. I 2asni.ss the appeals in their entitty, At 2beya, P. - IERL. 30/83 JUDGE. .:?: ' :i:

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