

19700701 TZHC Dar es salaam

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DECIDED
1 July 1970

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FT T11E 11I0 COURT OF TANZANIL AT DA LB ZALAAJ AF?1LLAP1 JUfT8D1CT)ON CR1INAL
 APPRAL ND. 241 OF 1970 (Original Crirainai Case No. 406 of 1970 of the Disirict Oout of Dar on
 Zaiaam at Dar ec Salawn Before J, K. Bahama, Teaic1ent iagistrate) TM.LOCITAN SINOIL
 APPILLANT TL REPUBLICe.....

- i. J. — On his own plea the appellant was convicted of two offences under the Immigration Act and on each count he was sentenced to a fine of Shs,500/- or five months' imprisonment. He paid the fine and is now appealing against the sentence on the ground that it is manifestly excessive. He is urging that the sentence of the trial court should be set aside and he should be given an unconditional discharge. When the appellant became of age the Immigration Department declined to give him a dependant's pass. Instead he got an Entry Pass class 'B' on the 15th of January 1970. He was asked to finalise his matters and leave the United Republic within two months. After the expiry of the two months he was still in Tanzania, He was therefore, served, with a Prohibited. Immigration Notice requiring him to leave within seven days. He did not leave within the prescribed time and so he was charged and accordingly convicted. The learned counsel for the appellant said. in this Court, as he / told the trial court, that on receipt of the two months' pass the appellant, who carries the title of 'British Subject and Citizen of the United, Kingdom and the Colonies' applied for a voucher to enter Britain. At the time the learned State Counsel representing the Republic did not argue the appellant becoming of age was not a sudden and unexpected event. He knew several months before he was eighteen that when he became 18 he would no longer be his dependant and so he should have accordingly arranged his affairs. He was aware of the notorious fact that a certain class of U.K. citizens were experiencing some difficulty in entering their mother country, so he should. not have left things until after the Immigration Department told him to leave within two months. It was his duty, as it is the duty of every one who lives in Tanzania, to make sure that his presence is lawful. The learned Counsel for the appellant referred us to a. Amelika! High Court Case in which a sentence of six months was set aside on appeal and a fine of Shs.150/- imposed in its place. The facts in that case were quite different from those in the present case and in a case of this Court, Dar es Salaam Criminal Appeal No. 214 of 1970, MAAR BINCH V. THE REPUBLIC, a sentence of five months or three months' imprisonment in default was allowed to stand. While the sentences in the present case may not be modest, they are not manifestly excessive as to justify interference by this Court. Accordingly I

dismiss the appeal against sentenos. /1 note 4 -2- I note th after paying the fine the appellant vent to In.ia an.a that haDpiiy i did not have to throw himself irtO the eea as the 1ered eotinael .14 .d he rnigh have to. Deiived 1 n Cow,t at Oar es Saiaam this lot day of July, 1910. •L.M. Makame ACTiN J1TDoT oL6t 'iciw (11,kIWVH 'i'o) WVUTVS G avC •pQO09 [IUJWnS 1fIMt1OJ a q qt qin. .ipxo Sjnuemb a saoo I pu \ wqdwoo jo pvno otjps tVu uoqç P 9`?POT ucaq sit tctth o . tjt; si alftO3 stt. ODUOPTAO Olq9, 9 U'EP U OJ J9.\$. IV 'qy SaO UD ~ W4.S umwwç et. JO SUO TST4 oad tpt O OU R PJODOV w! ST eouaquo •otr.\$qn9!poq4 Tx s todth . pui pasnoou at. jo qn o sti Tqpop equosez 012 et. eaojaq aouapT A e e. sxevcuoo Jllou sppj .jE4 at. B UTMO TT OJ £?p et EM eposrds uopon 'sçt ou sie& st peptzeuoo 9 AV 4 oq zctcI .ou saop psnoo su. p9WOUT trçuiou et fq - jo esoq. SU p!JT.uopT E xdozd ex oq • pp 91T Uv"Z 12OtsPiO 1IO3 JOTfQ .9US 04. ewoo o. WTq .toj nojjçp uesq GAUT4 PInOM q.T pm peoiuoo sessew.!M UOtqfloaEJOJcI 04 JO 8Ou9P TA9 O tT pa !~ d a oov IS5W atj, Opauutfo 5M pm Stme urx ot Ett.t zou siteot uopon8 atfl. Sq. awo wn utd .Oti 5Gp SVM at UOqX 000qo. ewos £nq oq. uo TqL one e oq. ezo pt nq, / TT)UI tWp3t1 aT J OJ U9 4. OU ptp 84 st aouojep spesnoQ eq •pesnoop sq p a~o ajae pua s.ists.inct e uodn pesTo.xx9 8q.suoo e1. 'xa4eito 'w.n't et, GUOP 9 AV tj q.TTTCW PUS poow £tn me wç uaeq 9AWt oq swsss p110.10 etfl. .XOJ q.uesazU 8em aqsuoo et.. atmzoy sjv9ddR q Pule Vq2tvO hprueAa si ej eq.suoo 9qZ ost' Pav pi.to.xo q peMottoj RaTaq 1 jjo apw PUP 5ur.x uoot smo.x.xus voTT4m eotrij n- .1O Pd9T Qfl. W.1914 UOd ,eflq.5O s.1elflo1q çuj pios Ptm ueo.s sq 91J ,.lOJ EQUOW 91 WT1 AI .OTX O(flo P01 1P O 5riO 97 wozj OOTOA V ueti sI.d!e0e.1 oi pa s noop aq. o. pepun .1eUOtO? OTTT, •t1a0 Eq ptoj Zud sq.sq ow jo jcsuoTqonv aqq. Eq peprtouoo uaeq Zsnf pt pu se.td svm zurl TaddL, et *9 T q v\$ suoo aovroct OsTv aaP e.xs put O uTa uotou et o. pa ~T Twps axr sa p tnq aq-ppo* pu sza!Te 6961 '1eajuecIo -6 uo v3joTTxjD peweu eod t wpeeoo.zd \$?11 UO!rfl- efl4E0 ? MOq jo si,1e. Se eupt uo noeso,icl atfl. Eq uet £..zo.s aqT, •JecIth? uo

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Prepared on 13 October 2026 · Esheria