

TANZANIA / JUDGMENT

N

COURT
TZHCDECIDED
1 January 1977

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

IN THE HIGH COURT OF TANZANIA AT DAR ES SALAM: APPEAL IN CRIMINAL MATTERS
CRIMINAL APPEAL NO. 182 OF 1977 ORIGINAL C1; JE NO. 280 OF 1976 The Republic
versus I, VJ c/o R ijL. 1. ~ d • ~rr 1' uil\., '1.. Ch2.rce Burclary ~n~ Stealing c/ss 294 (1) and
265 of the Penal Code. P.M. JOi\Tl, THfl.N 2 J Tho appellant was convicted of bur::;lary ?nd
Gtealinc ti.net c'iven f:'. substantive. scmt:Jnco of thre., (3) Jf~!l.rs' iPprisonm.cnt. J:::u:tins".
th:::1 convictic~n he hr!.S al)peal~ec1. ·Lccorclinc · to PU .1 tliG c<:Tlpl ".inan:t he locked up his
house rm!J left but ~rhen he c:::,nq b ~ck at about 5 .30 · p.m. he found it hF!virtr; be~ 'n br lrnn
into 2:nd 2. number of 'thj_ngs . : nissine; including his bicycle, 2. jacket and various i t_e:os of
clothing;. One non th 12.t :-r c.ctinc on a tip-off accoElJanied by PW.3 a.ml P.H.4 they
c:::nfrosted the appe- llant vrl1ereupon he appers to h~vc confessed to the offence. He offered
to take then tc- ~i;ho lli{:e-out provided however PW .4, an e.ske..ri who hr:::. in. th 0:
·neantiae j cil10d tho see.rch party, clit: not~ .go~ ili th~_t~c~i:. Tlle off or seems to he.vo be:on
accepted s.n~1 on the next ~:ay tho c,i)p~cllo.nt tt,ok · thm.1 to ;~ cave),. f ,;m p2,c,::s be:hinc
his hems:;, frcn uhG:i'8 ho brcm.cht fr:-rth a jc.ckot ~!J.1c~ ~;wo otht1r it:or:1.s of clothing
which the cr:,;1)lo,inant iclontifiGd to be: arYmc tho stolen thi~1.cs. J~ li ttlo l:::tor thGy hr:-/
cor::c e.cror.-s PW. 2 h;-~vinc a bicycle fi tt:::t with c~ uh~ . ;;l uJ:::ich transilir0cl to bu th:::,t
o:f thG s::~olcn bicyclo. Tho explan.?tion of PW. 2 then ancl. l:::tor in l:is ovi,1.enc:;, w-o.s th? t
hu h,,,-: lY,en sole: th:-~t whoGl by tho ap;K,llant for shs •. 40/- only 2.. c7..o,y after the The :-
i.j)p1:d.1.a.nt in his ovic7..once clc~ined that, there' had ber:-m sorne clisac;reenent between
hin ~1nd the collplainant following an allecation by the 12.tter, but c.enied by the appellant,
tha:t he had r:10.c~e the la ttGr' s sist8r prec;nant and tho.. t, the conpl8inant 112,;. vm-rncl to
avenge. . That vJ2,s nn after-thouc;ht fcrj ::1.t no st<:.,e earlier on hac7.. the appellant iritiIJ2. ted
such incLLent. He then went on to so.y .. /2 that nfter he vif:1.S 2.rrested an(tiec:_ up the
dar:miTl.L,; i tens were pL:::,ntGcl on hiI:1. He. c2.1lecl -tuo witnesses to bear this out. 11'he
r:j_st cf ·t11.,dr ';;Viclence ~wE,;-;;; houev(r thr:1.t they hfld rn,t b. en 1:)r_ eE,<nt nhen tly,::p
·c'hi"l:a0 . uer_o, f,-c'i,md 8.ndL - ' - .., ~-~ l~ they hcJ,,: : only le,t,3r coce c~n. t>.e
scen0 to· firi_C: ths 2:;)1Y:112:.nt hr:vinc b cen. o.rres~c!d nm.1. h2ilc;cuf r ,3t1. c.,ncl
t;_10130 thincs 1)res;;mt. As regards the bic-ytle 11heel· lle denied ever sellLy, it to PU,2. I an
so.ti_sfiel the tri2.l court on tho ovic"i.enc's b~e f ,_, G· 1~·~1.., 1"r~s Gn"GJ.Gen ~r ·J'1, Gv r :')J'::
· c\ : c.no ,_, c,,o f G,nc,u ~,,,a~'· J~ ,u CL~. 1 fl. nc1 L -1, 1, 'I____- ~: .. , !t-' ,_, - l:::in-'1 ;~!·'cs]
<.,, J ~-ar:i. \1. ~" :-,;;,;1/ ,_, _ _,_ - 1· __1-'i.,, . . ,,,~. c~r' ~ssi· on : ,_, _ ,J-,,, r,f -.. ~-:ho l ... 7
",thos C __ , arn:7. tho bicycle 1x~rt. Th:2so h,?vj_n(~ b:en pre1parly id.ontifi;iecl to be Urn

cr:,r1liJ.aino,nt' s propJrty .:e.nc: th0 tir~o intorv2.l · ' . boti:-reen . the possession theft
c:i.n':!.. th?J 2. -pelL::i.nt' s -:-,~. : . bcinr;- . that . slwrt, 'the; Gnlly cnnclution to claw ilO,S
thi?t ,the ::r;,,p0ll2.nt. was in f~ct the psrpotrator of t~ose offenc8s. ~sit· ' would J1,.cuever nppe2r
· they 1,,0:!'o c crD:littoc1 bof c,re d2,rk, the~· \ c9n-yi,cti'on of bur{?;L:::-:ry
camlot :=:-;t,,nc:t. _There .ts acccrdine;ly su),)stituted c1. conviction In ·che result, s2,ve for such
\$Uhstitution,, tho appeal is disniss3d in its entirety. P .Ivl. JONLTH1.l'J JUL!G:C •

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/350608/source_file/39c3727e23e0a662/N.A_TZHC_Dodoma17.pdf

CASE PAGE <https://chat.esheria.ai/case-law/tanzania/vj-co-r-appellant-burglary-tzhc-1977>

Prepared on 14 October 2026 · Esheria