

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

APPELLATE JURISDICTION

HIGH COURT CRIMINAL APPEAL NO. 76 OF 1984

ORIGINAL CRIMINAL CASE NO. 321 OF 1983 OF THE DISTRICT
COURT OF MOROGORO DISTRICT AT MOROGORO, Before
G. KHALID Esq. District Magistrate.

MANENO SHOMARI APPELLANT

versus

THE UNITED REPUBLIC RESPONDENT

J U D G M E N T

MAINA, J.

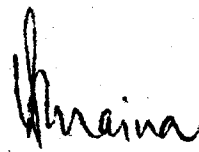
The appellant was convicted by the district court at Morogoro of burglary and stealing. He was sentenced to three years imprisonment in the first count and two years imprisonment in the second count, to run concurrently.

The complainant's house was broken into on the night of 7/12/1982 and various properties valued at about shs.12,045.70 were stolen from therein. Police were notified. On 7.9.1983 the complainant saw Pw4 Mariam Rashid wearing a skirt which was one of the properties stolen from the complainant's house. Mariam said he received the skirt from a friend, Pw2 Tukae Shomari who told the court that she was given the skirt and other clothes by the appellant. In his evidence the appellant said that he had bought those clothes from people whom he did not name and he called no witnesses.

The petition of appeal is a repetition of what the appellant told the trial court. Like the lower court, I am satisfied that the appellant was found in possession of the stolen properties and his allegation that he bought them was properly rejected. The complainant identified the properties and if the appellant had bought them he would have called even a single witness.

The conviction is supported by the evidence on record and the sentences are in accordance with the law.

The appeal is dismissed in its entirety.


W.J. MAINA
JUDGE

DAR ES SALAAM
8th May, 1987.