

**IN THE COURT OF APPEAL OF TANZANIA
AT DODOMA**

(CORAM: KILEO, J.A., ORIYO, J.A., And JUMA, J.A.)

CRIMINAL APPEAL NO. 588 OF 2015

NALOGWA JOHN APPELLANT

VERSUS

THE REPUBLIC RESPONDENT

**(Appeal from the Judgment of the Resident Magistrate Court of Singida
at Singida)**

(W.E. Lema, PRM (Ext. Jurisdiction))

**dated the 3rd day of December, 2015
in
PRM. Criminal Appeal No. 40 of 2015**

JUDGMENT OF THE COURT

Rule 39 (6)

KILEO, J.A.:

After having heard both the appellant and Ms. Lina Magoma, learned State Attorney who did not support conviction, and also having considered all the circumstances of the case, we are of the settled view that the appeal is with substance. In the circumstances, in terms of Rule 39 (6) of the Court of Appeal Rules, 2009 we allow the appeal by Nalogwa John conviction entered against him is quashed and the sentence imposed is set

aside. We order his immediate release from prison unless he is therein held for lawful cause. Reasons for judgment to follow in due course.

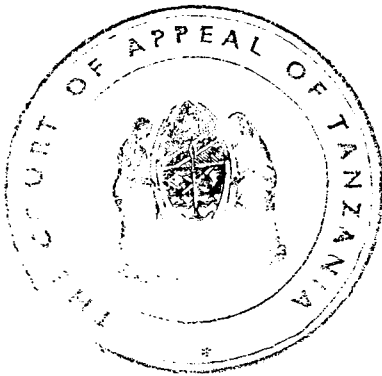
DATED at DODOMA this 15th day of April, 2016.


E. A. KILEO
JUSTICE OF APPEAL

K. K. ORIYO
JUSTICE OF APPEAL

I. H. JUMA
JUSTICE OF APPEAL

I certify that this is a true copy of the original.




E. F. FUSSI
DEPUTY REGISTRAR
COURT OF APPEAL