IN THE HIGH COURT OF TANZANIA

DAR ES SALAAM DISTRICT REGISTRY

AT DAR ES SALAAM

CRIMINAL APPEAL NO. 214 OF 2022

(Original Criminal case No. 33 of 2021)

ABDALLAH ISSA ABDALLAH..... APPELLANT

Versus

THE REPUBLIC ..... RESPONDENT

JUDGEMENT

5th & 12th July, 2023

MWANGA, J.

The appellant, **ABDALLAH ISSA ABDALLAH,** was charged and convicted of Armed Robbery contrary to Section 287A of the Penal Code, Cap. 16 R.E 2019 by the District Court of Kigamboni at Kigamboni. The particulars of the offense were that on 5th April 2021 at Uvumba Kibada area within Kigamboni District in Dar Esa Salam Region; the appellant stole a motor vehicle with Registration No, T704 DRS made Toyota Raum valued

Tshs. 11,000,000/ the property of Glory Harold @Sendi and immediately before and during such stealing did threaten Johnson Kaya Bonzali with a knife to obtain and retain the stolen property.

Glory Harold testified as PW1. She was the owner of the said motor vehicle with registration No. T704 DRS make Toyota RAUM. Silver in color. She borrowed it from Johson Kaya, who testified as PW2. On the fateful date, while PW2 was sleeping, he heard someone cutting off window nets. He woke up and opened the door. He saw one young man standing beside the car. According to her, the young man held a knife and ordered him to return to the house. He stayed inside after a few hours, where he came out to see what happened. He found the car missing. He testified that there were lights outside. He managed to identify the appellant. He described him as neither short nor tall and not fat nor slim.

PW3 was Detective Surgent E7870 D/D AUDIPHACE. He was an investigator and arrested the appellant on 13th April 2021 when the appellant was in the sale process. He was shown the sale agreement, and he realized that the same car was stolen as it was reported at the Kibada police station. The car was seized at Tuangoma Garage. He tendered the motor vehicle

registration card, Motor vehicle, and certificate of seizure, which were admitted as exhibit P1, P2, P3, and P4, respectively.

Also, PW3 recorded the appellant's cautioned statement, which was tendered and admitted as exhibit P3. PW4 was assistant inspector Hamisi Francis Robert, who supervised the identification parade. He testified that Johson Kaya (PW2) identified the appellant. According to him, eight persons were paraded, including the appellant himself.

PW5 was Hamisi Abed. He was a mechanic who worked at the garage. H recalled that on 4 April 2021, he was called by his boss, identified by the name of Omary, instructing him to go to the Mikwambe area to check the motor vehicle, which had broken down, and stationed at Mkwambe. He arrived and found the appellant with the motor vehicle; when he checked the car, he discovered it had no fuel.

Later, the car engaged in several accidents with the appellant. According to him, he gave him a registration card to look after the buyer. He then accompanied the appellant to the police to inquire about the card of the car and process the sale since they had no original card. Consequently, the appellant was arrested, and later, he made dock identification at the

court. He testified that they had no sale agreement. PW6 was Assistant Inspector Devota. She tendered the statement of John Raphael as exhibit P6. The statement referred to the witness who was at the identification parade.

In his defence at the trial, the appellant denied involvement in the commission of the offense. He was arrested on 10th April 2021 at the nightclub with his lover, Janet Kelege. According to him, he was arrested based on his lover's relationship with the police. The police beat him; he was not given either food or drinks. He was also blindfolded throughout. He was given a piece of paper, which he signed.

The trial magistrate was satisfied that the evidence for the prosecution had been proved beyond any reasonable doubt. He made a specific finding that all ingredients of the offense of armed robbery were met. The motor vehicle was found in the possession of the said motor vehicle. He also noted that the appellant was identified as having a knife on the day of the incident. Nonetheless, at the end of the trial, the appellant was convicted as charged and sentenced to serve 30 years imprisonment.

Believing to be entirely innocent, the appellant has preferred this appeal containing thirteen (13) grounds and other additional two (2) supplementary grounds as follows.: -

1. That the learned trial magistrate erred in law and fact by convicting the appellant in a case where the offense of armed robbery was not proved against the appellant.

2. That the learned trial magistrate erred in law and fact by convicting and sentencing the appellant in a case where possession of stolen property (vehicle) was not proved against the appellant.

3. That the learned trial magistrate misdirected herself by relying on the testimony of PW5 (who was not at the crime scene) as circumstantial evidence to prove the watertight Identification parade.

4. That the learned trial magistrate erred in law and fat by relying on the uncorroborated evidence of PW5, who did not make any effort to call the might-be culprits in this case who informed him (PW5) about the stolen care through phone and Omary who

connected/informed his (PW5's) boss about the stolen car to testify in court.

5. That the learned trial magistrate misdirected herself in law and fat by admitting exhibit PW4, which was obtained in contravention of law despite the appellant's objection.
6. That the learned trial magistrate erred in law and fact by convicting and sentencing the appellant in a case where the car sale agreement, which is the primary evidence that the appellant was indeed at the police station to sell and sign a car sell agreement, was never tendered in court.
7. That the learned trial magistrate erred in law and fact by convicting and sentencing the appellant in a case where the memorandum of acts is in variance with the evidence of the prosecution witnesses and hence contradicted them.
8. That the learned trial magistrate erred in fact by convicting and sentencing the appellant relying on the contradictory evidence of PW2 (complainant), PW3 (the investigator), and PW5, the mechanic,

9. That, the learned trial magistrate erred in law and fact by convicting and sentencing the appellant relying on the evidence of PW4 (Inspector Khamis), investigator of the identification parade) which was irretrievably contradicted by the witness's statement who was unavailable, tendered, and admitted in court.
10. That the learned trial magistrate erred in fact by convicting and sentencing the appellant in a case where it is incomprehensible that the appellant lived at Kibada Uvumba stolen P.2 (the car) at Kibada Uvumba and went to sell and sign a sale agreement in a police station in the same Kibada Uvumba.
11. That the learned trial magistrate erred in law and fact by convicting and sentencing the appellant without considering the appellant’s defense but shifted the burden of proof of innocence on the appellant.
12. That the learned trial magistrate erred in law and fact by conviction and sentencing the appellant relying on the appellant's cautioned statement, which is full of irregularities, contradictions, and confusing doubt.

13. That the learned trial magistrate erred in law and fact by convicting and sentencing the appellant in a case where the prosecution failed to prove their case beyond legal standard/reasonable doubt.

Supplementary grounds:

14. That, the learned trial magistrate erred in law and fact by convicting and sentencing the appellant relying on the identification parade, which was conducted in contradiction to PGO No.232.

15. That, the learned magistrate erred in law and fact by convicting and sentencing the appellant relying on the evidence of PW.4 (the supervisor of the identification parade), which was irretrievably contradicted by the additional written statement of PW.2 (the complainant) which was also recorded in contradiction of the law (CPA).

The appeal was disposed by way of written submission. The appellant appeared in person while Ms. Nura Manja, the learned State Attorney, represented the respondent.

In reply, Ms. Nura Manja submitted grounds No. 1, 3,9,10, and 13 separately and argued grounds No. 7 and 8 together. Grounds No. 1 and 2 of the supplementary petition were also claimed jointly, and the rest of the grounds were reasoned singly.

In the second ground of appeal, the appellant contended that the trial magistrate erred in law and fact by convicting the appellant without proving possession of stolen property against him. The learned State Attorney referred to Section 287A of the CPA, stating that theft must be proved in proving the offense of armed robbery. According to her, PW2 proved that the motor vehicle make Raum with Registration No. T 704 DRC was stolen. Ms. Nura contended further that PW5, a car mechanic, testified before the trial court that his boss had called him on 4 April 2021 and ordered him to go to Mikwambe and repair a car. When he reached there, he found the appellant with the stolen car, Raum, registration number T 704 DRC, and discovered that the vehicle was out of fuel. They bought fuel, and he left Mikwambe. According to the witness, three days later, the appellant called him to go to Mwembe Mtengu, where he met an accident and prayed for Pw 5's help to fix the car. Pw5 discovered the vehicle had been damaged, and repair would cost Tshs.3,500,000/=, and he informed the appellant, who

then told him to park the car at their garage and that he is selling the same at Tshs.4,000,000/=. The appellant, who claimed to be the stolen car's owner, handed PW5 a copy of the motor vehicle registration card bearing PW1's name as proof. As fate would have it, the duo went to the police station to effect their sale agreement, and the appellant was arrested. PW3, the arresting officer, and the investigator proved before the trial court that the appellant and PW5 went to the Police station to effect a sale agreement. Once the appellant was arrested, he confessed to having stolen the car and was in the process of selling the same to PW5.

The learned State Attorney argued that, given the above actions of the appellant, there was proof that he was the one in possession of the stolen car since the date of the incident when the same was stolen from Pw2. The appellant himself never cross-examined Pw5 to dispute possessing the stolen car. According to Ms. Nura, failure to cross-examine an important matter equals admittance. In support of her argument, she cited the case of **Khaji Manelo Bonye Vs Republic,** Criminal Appeal no 338 of 2008{2011}CA at Mtwara on page 5, which quoted with approval the case of **Goodluck Kyando Vs Republic,** Criminal Appeal no.118 of 2003 (unreported) where it was held that;

"***It is settled law that failure to cross-examine a witness leaves his/her evidence to stand unchallenged.***"

The State Attorney added that since the appellant never challenged having stolen a car, he admitted to having the same.

In the 4th ground of appeal, the appellant claims that the trial magistrate erred by relying on evidence of PW5, who failed to bring his boss and one Omary to come and testify in court. In response, Ms. Nura cited the case of **Omary Ahmed Vs Republic** (1983) TLR 52 and **Yohana Msigwa Vs Republic** (1990) TLR 148, on page 50, stating that the prosecution side is not bound to call all witnesses or a certain number of witnesses to prove a particular fact.

Ms. Nura wanted this court to agree that PW5 was a credible witness whose evidence was sufficient to prove that he saw the appellant with a stolen motor vehicle more than once, and the appellant claimed to be the owner of the same. According to her, every witness is entitled to credence and to be believed unless there is a good and compelling reason for not doing so as held in the case of **Goodluck Kyando V Republic** (supra). **Therefore,** there was no need to call his boss and Omary to prove a point that PW5 had already made.

In the 5th ground of appeal, the appellant claims that Exhibit PE4 was admitted contrary to the law despite his objection. Ms. Nura submitted that the appellant objected to section 38 of the Criminal Procedure Act (Cap 20 RE 2019), referred to as (CPA) when the seizure certificate was tendered in court. Section 38(2) of CPA obligates the police officer who searches a vessel, building, or house to carry a search order and, after the search, should inform the magistrate regarding what transpired in the searched house/vessel/building. According to her, PW4, who seized the motor vehicle, knew that a stolen car was at the garage of Pw5 and thus had no need to carry a search order but merely took a certificate of seizure to seize the stolen item. The claim by the appellant is baseless because Pw4 had a certificate of seizure, which is not covered by section 38 of CPA. No law was contravened during the tendering of PE4, and the trial magistrate was correct in admitting the same; thus, this ground should be dismissed.

On the 6th ground of appeal, the appellant complains that the car sale agreement was not tendered before the court. In reply, the leaned State Attorney submitted that it is imperative to look at the testimony of PW5 on page 36 of the proceedings. PW5, when cross-examined on the same matter, narrated that he did not tender the car sale agreement because he and the

appellant were agreeing; the car sale agreement had not been effected. Thus, he could not tender any sale agreement. The appellant never cross-examined PW5 if he was lying when he stated that they both went to the police station to effect a sale agreement, thus admitting that they went there for the same. This ground is baseless and should not detain us; the same should be dismissed.

On the grounds of appeal Nos.7 and 8, the appellant complains that there was a contradiction between evidence and a memorandum of facts. Also, testimonies of pw2, pw3, and pw5 are contradictory. The memorandum of facts and testimonies of PW2, PW3, and PW5 all stated that the incident happened on 4th April 2021. The stolen motor vehicle was made by Raum, registration number T 704 DRC. The identification parade was conducted on 14/4/2021. The only contradiction is that Pw3 stated that he was shown a car sale agreement, while PW5 noted no car sale agreement. It was the State Attorney's submission that the human mind is susceptible to being infallible, and memory recollection cannot be perfect. It is to be noted that the incident happened one year before witnesses testified in court. Thus, they are not expected to remember everything that transpired on the date.

Moreover, the contradiction observed above did not go to the root of the matter. Ms. Nura referred to the case of **Matata Nassoro & Another Vs Republic**, Criminal Appeal no.329 of 2019, Court of Appeal at Arusha on page 20, which quoted the case of **Luziro Sichone Vs Republic**, Criminal Appeal no.231 of 2010(unreported) where it was held that:-

> ***"We shall remain alive to the fact that not every discrepancy or inconsistency in witness' evidence is fatal to the case. Minor discrepancies in details or due lapses of memory on account of passages of time should always be disregarded. It is only fundamental discrepancies going to discredit the witness which counts".***

Hence, the contradictions complained of did not go to the root of the case, and thus, this ground should be dismissed.

On ground number 11, the appellant complained that the defence case was not considered. Ms. Nura stated that the judgment and the trial court proceedings do not show that the appellant's defense was considered. According to her, it is one thing to narrate what witnesses testified and to put the same into scrutiny. A sound judgment should analyze the evidence

tendered by the prosecution and defense sides, weigh the two, and give sufficient reasons why he came up with their decision.

She cited the case of **Amirali Ismail Vs Regina, 1 TLR 370**, where the court stated that;

> ***"A good judgment is clear, systematic, and straightforward. Every judgment should state the facts of the case, establishing each fact by reference to the particular evidence by which it is supported, and it should give sufficient and plainly the reasons which justify the finding. It should state sufficient particular to enable a court of Appeal to know what facts are found and how".***

Given the above, it was the submission of the learned state attorney that she believed the defense case was no more than a mere denial of the charge; however, since the trial court failed to analyze and consider the defense case and this court being the first appellate court which is in the form of re-hearing, we urge this court to step into the shoes of the trial court, analyze and evaluate the evidence on record. As held in the case of **Mzee Ally Mwinyimkuu @ Babu Seya V Republic**, Criminal Appeal no.499 of 2017 (unreported), it is settled principle that where courts below have

omitted to consider the defense of the appellant, the court has the power to undertake that duty to decide whether or not such defense raises any reasonable doubt in the prosecution case.

The 12th ground of appeal concerns the admittance of a cautioned statement, which the appellant claimed is full of irregularities, contradictions, and confusing doubt. The learned State Attorney argued that PW3, the investigator of the case who arrested the appellant, was the one who tendered the cautioned statement admitted as exhibit P3 in court on page 30 of the proceedings. The appellant objected to the same before being tendered for being taken involuntarily, and court conducted an inquiry to determine whether it was voluntarily recorded. The ruling of the court held that the same was recorded voluntarily and admitted the same. The same was also read after being admitted.

She submitted that all law procedures were compiled before the same was admitted. Hence, the ground is baseless and should be dismissed.

Arguing grounds Nos. 1, 3, 9, 10, and 13, it was her view that the appellant complained that the prosecution case was not proved beyond a reasonable doubt. To her, Section 3(2) of the Tanzania Evidence Act (TEA) Cap. 6 R. E

2022 provides that the prosecution side must prove its case beyond a reasonable doubt.

She referred to the evidence of PW1 and narrated that she was the owner of the stolen motor vehicle and tendered motor vehicle registration card and the stolen motor vehicle. Pw2 said that the motor vehicle was stolen from his house and identified the same to be owned by PW1. PW3 tendered a cautioned statement that the appellant confessed to having stolen the motor vehicle. Pw5 identified the appellant as the person who possessed the car and the one who asked him to park the car in his garage and that he was selling the same at Tshs.4,000,000/-.

Submitting on the supplementary grounds of appeal, the appellant complains that the identification parade was recorded contrary to **PGO 232** and that the court was wrong to rely on evidence from PW4(the officer who conducted the Identification parade). It was his submission that looking at the testimony of PW4 found on pages 34 to 36 of the proceedings. Indeed, PW4 conducted the Identification parade; however, some of the requirements stipulated in PGO 232 were not complied with. For instance, PGO 232(d) requires the accused to be asked if he wishes his advocate or relative to be present during the Identification parade, and PGO 232(k)

needs the attendants of the parade to be of similar height, weight, clothing to accused and class of life. PW4 never testified to have complied with these essential requirements. Ms. Nura admitted that the Identification parade was not properly conducted and Exhibit P5 should be expunged from the court's record. According to her, this means that the testimony of PW 4 and the statement tendered by PW6 also crumbles.

Furthermore, Ms. Nura also found it reasonable to argue that PW2 narrated how he identified the appellant on the night of the incident and that three electric bulbs enabled him to identify the appellant, but he failed to explain its intensity. In the case of **Waziri Amani VS Republic (1980) TLR 250**, the court held that;

> ***"The evidence of visual identification is the weakest and most unreliable. It follows that no court should act on proof of visual identification unless all possibilities of mistaken identity are eliminated, and the court is fully satisfied that the evidence before it is watertight.***
>
> ***The court went on to establish circumstances to be considered in such evidence to include; -***

i) The amount of time the witness had the accused person under observation

ii) The distance at which he observed the accused person

iii) The conditions in which such observation occurred, was it day or night

iv) Whether there was good or poor lighting at the scene……"

According to the State Attorney, PW2 failed to narrate the intensity of the light, the distance he stood from the appellant, and how long he had the appellant under observation, bearing in mind that the appellant was unfamiliar to him. In this case, identification was improper, and since the Identification parade is also to be expunged from the record, evidence of PW2 and PW4 regarding identification crumbles.

She, however, argued that even though the evidence of PW2 and Identification parade crumbles, we still have enough circumstantial evidence to convict the appellant since he admitted in his cautioned statement that he was the one with the stolen motor vehicle.

I have gone through the submissions of the respective parties. In the present appeal, it can be seen that there are two main grounds suggesting

that; **One,** whether the necessary ingredients of the offence of armed robbery were proved. **Two,** whether the appellant was identified.

Let me start with the second issue. In the case of armed robbery, particularly one committed at night time, evidence of visual identification is acceptable. However, the authority in the case of **Waziri Amani** Versus **Republic, [1980] TLR 250,** the court held that: -

> ***"... in a case involving evidence of visual identification, no court should act on such evidence unless all the possibilities of mistaken identity are eliminated and that the court is satisfied that the evidence before it is watertight."***

The learned State Attorney conceded to this ground of appeal. It was her submission that looking at the testimony of PW4 found on pages 34 to 36 of the proceedings. Indeed, PW4 conducted the identification parade. However, some of the requirements stipulated in PGO 232 were not complied with. The appellant contended that, for instance, PGO 232(d) requires the accused to be asked if he wishes his advocate or relative to be present during the Identification parade. PGO 232(k) requires that the parade attendants be of similar height, weight, and clothing to the accused, and a class of life

has not complied with these essential requirements. Ms. Nura submitted that since the identification parade was not properly conducted, Exhibit P5 should be expunged from the record. She added that, if so, the testimony of PW4 and statement tendered by PW6 also crumbles. On the other hand, the appellant submitted that principles laid down in the **Waziri Aman**(supra) regarding the type and intensity of the lights and distance between the assailant and the witness.

I entirely agree with both parties' observations regarding the visual identification of the appellant. The evidence does not point out how long the witness observed the appellant robbing the car, mainly after he went back inside the house if at all there was light. Also, the conditions in which the observation occurred were not explained. Had it been done, that would help to eliminate the possibility of mistaken identity. The Court of Appeal had the opportunity to deliberate on a similar situation in **Boniface Siwingwa Versus Republic**, Criminal Appeal No. 421 of 2007 (unreported), where it was held:

> ***"Though familiarity is one of the factors to be taken into consideration in deciding whether or not a witness identified the assailant, we are of the considered opinion that where it***

is shown, as is in this case, that the conditions for identification are not conducive, then familiarity alone is not enough to rely on to ground a conviction. The witness must give details as to how he identified the assailant at the scene of the crime as the witness might be honest but mistaken."

Therefore, under the circumstances, I am convinced that the trial court did not correctly direct itself on the gaps in the evidence of PW3 on identification of the appellant. Apart from the weaknesses stated hereinabove, there is also the fact that the witness did not provide any details as she identified the appellant at the crime scene apart from saying she knew him from before.

Taking all factors into account, we cannot safely hold that the identification of the appellant was watertight and that all possibilities of mistaken identity have been eliminated. The doubts I have must be resolved in the favor of the appellant. (See **Harod Sekache @Salehe Kombo Versus Republic**, Criminal Appeal No. 13 of 2007, and **Said Chally Scania Versus Republic**, Criminal Appeal No. 69 of 2005 (unreported)). For the preceding, this ground has merit.

It is my further view that, In the absence of the appellant's identification, the only remaining explanation is that the appellant either was found in possession of the stolen motor vehicle or had stolen it. The learned State Attorney contended that in the absence of the evidence of visual identification against the appellant, the circumstantial evidence points out irresistibly that since the appellant was found in possession of a stolen motor, he is the one who stole it and threatened PW2 with a knife. Nevertheless, the appellant refuted such a claim in his submission. According to her, the evidence of PW5 and PW3 established that he was arrested at the police station and that the stolen motor vehicle was seized at the mechanic's garage (PW5). In that respect, he argued that the court misdirected itself to hold that he was found in possession of the stolen motor vehicle. In the case of **Joseph Mkumbwa & Another Versus R**, Criminal Appeal No. 94 OF 2007 (Unreported) the Court of Appeal had the following to say regarding the doctrine of recent possession of stolen property:

> *" The position of the law on recent possession can be stated thus: Where a person is found in possession of a property recently stolen or unlawfully obtained, he is presumed to have committed the offence connected with the person or place wherefrom the*

the property was obtained. For the doctrine to apply as a basis of conviction, it must be proved that, ***first, that the property was found with the suspect; second, that the property is positively the property of the complainant; third, that the property was recently stolen from the complaint; and lastly, that the stolen the thing in possession of the accused constitutes the subject of the charge against the accused.*** *It must be the one that was stolen or obtained during the commission of the offense charged. The fact that the accused does not claim to be the owner of the property does not relieve the prosecution of their obligation to prove the above elements. "*

Because of the above, it can be seen that the motor vehicle was at the garage of PW5, and indeed, the appellant was arrested at the police station. Likewise, it was the evidence of PW 5 that he was the one who had the registration card of the motor vehicle, too. In the circumstances, however, it may be treated that the property (motor vehicle) was found with the suspect or not, the evidence available does not suggest that the appellant committed the offense of armed robbery.

The offense of armed robbery is the creature of statute. The relevant provision of section 287Aof the Penal Code, Capo16 R.E 2022 provides that;

"287A. A person who steals anything and, at or immediately before or after stealing, is armed with any dangerous or offensive weapon or instrument and at or immediately before or after stealing uses or threatens to use violence to any person in order to obtain or retain the stolen property, commits an offence of armed robbery and shall, on conviction be liable to imprisonment for a term of not less than thirty years with or without corporal punishment".

When dealing with similar issues, the court of appeal in the case **Kashima Mnadi Versus Republic,** Criminal Appeal No. 78 of 2011 (unreported) found out that, in essence, the ingredients of charges of robbery: -

"...Strictly speaking, for a charge of any kind of robbery to be proper, it must contain or indicate actual personal violence or threat to a person targeted to be robbed. So, the particulars of the offence of robbery must not only contain the violence

or threat but also on whom the actual violence or threat was directed. The requirement is provided under section 132 of the Criminal Procedure Act, Cap 20 R.E 2002 so that to enable the accused person know the nature of the offence he is going to face."

For the prosecution to establish the offense, the court of appeal stated in the case of **Juma Charles @ Ruben &Another Versus The Republic,** Criminal Appeal No. 566 Of 2017(Unreported) that:-

"According to the above provision, for the offence of armed robbery to be established, the following three ingredients must be proved; to wit: one, the accused person must have stolen something; two, at or immediately before or after stealing, he must be armed with a dangerous or offensive weapon or instrument; and three, at or immediately before or after stealing, that person must have used or threatened to violence."

The prosecution alleged that the appellant held a knife and told the PW2 to get inside the house. However, it was not explained how the

appellant used that weapon to commit an offense. Since the appellant was not identified as the person who was at the scene of the crime on the date of the incident, it is equally not conceivable to state that he was the one who was holding a knife and committed the offense which he was charged with.

In the circumstances, I find merit in the first, second, and third grounds of appeal, and thus, I do not see the need to deal with other grounds of appeal as this alone disposes the appeal.

In the end, the appeal against the appellant is allowed. Henceforth, his conviction is quashed, the sentence set aside, and we order his immediate release from prison custody unless he is otherwise held for another lawful purpose.

Order accordingly.

H. R. MWANGA

JUDGE

12/07/2023

ORDER: Judgement Delivered in Chambers this 12th day of July 2023, in the presence of Ms. Nura Manja, the leaned State Attorney, and the appellant in person.

H.R. MWANGA

JUDGE

12/07/2023