

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF MOROGORO  
AT MOROGORO**

**CRIMINAL APPEAL NO. 32 OF 2023**

(Originated from Criminal Case No. 95 of 2022 in the District Court of Kilombero at  
Kilombero)

**SAID HUSSEIN KANJI ..... APPELLANT**

**VERSUS**

**THE REPUBLIC ..... RESPONDENT**

**JUDGEMENT**

21/12/2023 & 11/01/2024

**KINYAKA, J.:**

The Appellant, together with Nikolaus Vitus Uliza @Niko, who is not a party to the present appeal (collectively, the "accused persons"), were convicted by the District Court of Kilombero of an offence for possessing instruments of housebreaking with intent to commit an offence, contrary to section 298(d) of the Penal Code Cap. 16 R.E. 2022 (hereinafter, the "Penal Code"). The trial court sentenced both accused persons to serve 10 years imprisonment in jail.

The evidence adduced before the trial court reveal that Nikolaus Vitus Uliza @Niko (hereinafter, the "second accused") together with the Appellant, were found at the latter's rented place. They were found possessing stolen mobile

phones and housebreaking instruments, namely, mzula, two pangas (bush knives), kichoteo (fishing net), screw drivers, one torch, cutting plier, and kofia for masking faces. The instruments were found in the black bag carried by the second accused upon being chased by police officers at night. In their respective testimonies, the accused persons refuted committing the offence but admitted to have been found with the instruments.

Being aggrieved by the decision of the trial court, the Appellant preferred five grounds of appeal on 06/07/2023. On 30/10/2023, the Appellant filed four additional grounds of appeal making a total of 9 grounds of appeal, which are reproduced herein below: -

1. That the learned trial magistrate erred in law whereby there existed procedural irregularities that prompted to unfair and unjust end of proceedings. The charge against the appellants was not proved beyond reasonable doubt the fact which misdirected the Honourable trial Magistrate to improper conviction. All prosecution witnesses tendered hearsay evidence whose testimonies lacked corroboration;
2. That the learned trial Magistrate erred in law and fact whereby he convicted me by relying on the statements which I gave at police

station while the time of giving such statements, there was no free witness to protest;


3. That the learned trial Magistrate erred in law because he convicted me by relying on very weak hearsay evidence because there was no corroboration evidence which was adduced to support;
4. That the learned trial Magistrate erred in law by convicting me of an offence of unlawful possession of housebreaking instruments whereby in the series of witnesses who appeared before the court, there was no witness who testified before the court that all instruments belonged to me;
5. That the learned trial Magistrate erred in law because during the hearing of that case, he was bias to the prosecution side while the law requires the Magistrate to be neutral according to principles of natural justice;
6. That the learned trial Magistrate erred in law and in fact to convict and sentence the appellant without consideration that there was no chain of custody of the alleged housebreaking items which are common objects (backpack bag, pliers, panga, etc);



7. That the trial court's judgement lacks legal or factual points of determination as required by procedures of the law;
8. That the learned trial Magistrate erred in law and fact to convict and sentence the appellant based on caution statement of the appellant (Exhibit P8) which was recorded out of the prescribed time contrary to the mandatory requirements of the law; and
9. That the learned trial Magistrate erred in relying on accomplice's evidence to convict the appellant instead of the strength of the prosecution evidence.

At the hearing of the appeal, the Appellant appeared in person and the Respondent was duly represented by Mr. Shabani Kabelwa, learned State Attorney.

The Appellant submitted in support of the first the ground of appeal that the trial magistrate convicted him based on hearsay evidence of PW2, and PW1. He complained of variances of testimonies of PW3 that it is the Appellant who was found with the instruments, while PW1 testified that the bag with instruments belonged the second accused, who was found in possession of the same. He submitted that the variances cast doubt on the prosecution case.



In respect of the second ground of appeal, the Appellant submitted that he was denied the right to call his relative or justice of peace when he was making his statement at the police station. He complained to have been denied the right to write his statement. He contended that he was not made aware of the statement that was written by police. He stated that the statement was not read to him.

The Appellant submitted on the third ground that there was no evidence to corroborate the prosecution evidence that would justify his conviction. He contended that the trial court relied on the prosecution evidence only to convict him.

On the fourth ground, the Appellant submitted that there was no any witness who testified that the instruments were his. He stated that apart from PW1, PW2, and PW3, the prosecution did not call any witness from his residence to testify that the instruments were his.

In respect of the fifth ground, the Appellant faulted the trial magistrate for basing only on prosecution evidence. The Appellant submitted that the trial Magistrate did not analyze and evaluate evidence of the defence side.



On the sixth (first additional) ground, the Appellant submitted that the store keeper of the police did not testify and explain how he received and kept in custody the instruments admitted as Exhibit P1, P2, P3, P4, P5 and P6. He stated that the store keeper was not called to testify how he followed the procedure of receiving, handling, and keeping in custody the instruments. He contended that there was no evidence on the date of receipt of the instruments, whether the same were received by him, and how the instruments linked with the accused persons. He concluded that the person who produced the instruments was PW1 who was neither the store keeper nor custodian of the instruments.

On the seventh (second additional) ground, the Appellant faulted the trial magistrate for convicting the Appellant because the accused persons pointed fingers at each other. He submitted that the judgement did not evaluate and analyze the reasons for determination that led to conviction.

In the respect of the eighth (third additional) ground, the Appellant submitted that he was arrested on 15/06/2022 at around 10:00 pm. He contended to have been held in custody for about two or three weeks. He argued that the caution statement was taken after two or three weeks.



Submitting on the ninth (fourth additional) ground, the Appellant contended that the trial court did not consider weight of the prosecution case but the evidence of the second accused to convict him. He stated that his evidence was not given weight but the evidence of the second accused person. The Appellant prayed for the appeal to be allowed.

In his reply submissions opposing the appeal, Mr. Kabelwa consolidated the first and third grounds of appeal; and the second and eighth (third additional) grounds of appeal. He intimated to argue the remaining grounds of appeal separately.

In respect of the first and third grounds, Mr. Kabelwa submitted that there was no procedural irregularities in the proceedings of the trial court. He contended that there was no hearsay evidence in the evidence of prosecution that proved the offence against the Appellant beyond reasonable doubt. He drew the attention of the Court to the evidence of PW1, PW2 and PW3 on page 12 to 17 of the proceedings. He argued that the witnesses' evidence reveal that the accused persons were at the scene of the arrest, and that they witnessed the search and housebreaking instruments. He contended that the search exercise was led by PW1, the OCID, who was capable of conducting search without search warrant as per section 38(1) of

the Criminal Procedure Act, Cap. 20 R.E. 2022 (hereinafter, the "CPA"), and PGO No. 226. He concluded that there was no procedural irregularities in the search exercise.

Mr. Kabelwa submitted further that there were no variances in the testimony of the prosecution witnesses. PW1, PW2, and PW3 testified that they found both accused persons with the instruments where the accused persons were arrested instantly as reflected on page 12 of the proceedings. He contended that the evidence is corroborated by PW2 that he knew the accused persons whom they arrested on 15/07/2022 at 00:00 hours. He submitted further that the evidence of PW1 is corroborated by the evidence of PW3 that they knocked the room, when the accused persons opened, they attempted to run away. To him, it was clear that both accused persons were arrested at the scene of arrest where they were found with the instruments upon search.

Mr. Kabelwa submitted that the evidence of PW1, PW2 and PW3 is corroborated by the evidence of DW1, the Appellant, when he was cross examined. He contended that on page 21 of the proceedings, PW1 testified that the accused persons were found with the housebreaking instruments. He referred to the case of **Nyerere Nyague v. R.**, Criminal Appeal No. 67



of 2010, where the Court of Appeal held that a confession made in court is of greater effect than any other proof.

Against the second and third additional grounds of appeal, Mr. Kabelwa submitted that the caution statement was admitted in court as Exhibit P8 and was read over in court. He stated that the Appellant had two opportunities to object to the same, namely, at the time of admission of the statement, and when he was entitled to cross examine PW3. He argued that it is the principle of law that failure to object admission of an evidence, is tantamount to accept such evidence. He argued further that failure by the Appellant to cross examine PW3 is tantamount to acceptance of the fact, evidence and documents. He referred to the case of **Nyerere Nyague** (supra) where the Court of Appeal listed 6 requirements to determine whether the confession is voluntary or not. It was his position that the Appellant failed to comply with the requirements during the trial.

Mr. Kabelwa submitted further that the Appellant's argument that the caution statement was taken outside the prescribed time is a matter of law. He argued that according to PW3's evidence, the police started patrol from 23:00 hours to 00:00 hours. He stated that the Appellant was interrogated on 15/07/2022 at 09:00 am beyond four hours prescribed by law. He

admitted that there is no any reason given for PW3's delay to take the Appellant's statement. He prayed for the caution statement to be expunged. Notwithstanding, he argued, the same does not affect the prosecution case as the evidence of PW3 is intact to justify conviction. He cited the case of **Christian Ugbechi v. R.**, Criminal Appeal No. 274 of 2019, where the Court of Appeal held that if an exhibit is expunged, oral account of the witness can satisfactorily prove the offence.

Mr. Kabelwa opposed the fourth ground of appeal and reiterated his submissions in respect of the first and third grounds of appeal. He submitted that the testimony of PW1, PW2 and PW3 proved that the Appellant and second accused were found at the Appellant's residence with the instruments. He submitted that both accused persons testified to have been found with the instruments by signing Exhibit P6, a certificate of search and seizure. He contended that the Appellant did not object to the admission of the Exhibit P6. He argued that the prosecution witnesses were reliable witnesses who found the accused persons with the instruments. He cited section 127(1) of the Evidence Act, Cap. 6 R.E. 2022 and the case of **Goodluck Kyando v. R.** (2006) TLR 363 to the effect that, all witnesses

are competent and reliable except when there are reasonable grounds for disbelieving them.

The fifth ground was opposed by Mr. Kabelwa's on the submission that the proceedings clearly reveal that the Appellant was given right to cross examine prosecution witnesses and the second accused, and the right to charge against him. Guided by the principle that what is contained in the proceedings is what transpired in court, he submitted that it is clear from the proceedings that the trial court was not biased. He referred to the case of **Oscar John Bosco @ Jacob and Another v. R.**, Criminal Appeal No. 140 of 2018, the Court of Appeal subscribed to the case of **Iddy Salum @ Fredy v. R., Criminal Appeal No. 192 of 2018**, on the principle that the court record is taken to reflect a true position of what took place during the conduct of the proceedings, and cannot be lightly impeached.

In respect of the sixth ground of appeal, Mr. Kabelwa submitted that although a store keeper was not called to testify, PW1 who seized the instruments produced the same and admitted as Exhibits P1 to P6. He contended that the Appellant did not object to the admission of the instruments, and when he was cross examined, he confessed that the instruments were in the bag, as reflected on page 21 of the proceedings. Mr.

Kabelwa argued that it is not always when the chain of custody is broken, the exhibits become irrelevant. He cited the case of **Jibril Okash Ahmed v. R.**, Criminal Appeal No. 331 of 2017 where the Court of Appeal cited the case of **Joseph Leonard Manyota v. R.**, Criminal Appeal No. 485 of 2015 and added that the Appellant confessed that the instruments were the ones produced in court. He reiterated the holding in **Nyerere Nyague** (supra) that a confession made in court is of greater effect than any other proof. He concluded that although the chain of custody was broken, the circumstances of the case justifies a finding that the instruments produced in court are the ones that were found in possession of the accused persons.

Mr. Kabelwa disagreed with the seventh ground of appeal by contending that the trial court's judgement complied with the requirement of law under section 312 (1) and (2) of the CPA. He submitted that the trial court complied with the requirement of the law referring to the case of **Abdallah Ally @ Dulla v. R.**, Criminal Appeal No. 1 of 2023. He added that the Appellant was present on the date of delivery of judgement.



Against the ninth ground of appeal, Mr. Kabelwa submitted that the evidence of the prosecution proved the offence against the Appellant beyond any reasonable doubt. He admitted that the trial court used the second accused to convict the Appellant based on his evidence on page 22 of the proceedings which incriminated both accused persons. He contended that the said evidence is corroborated by the evidence of the Appellant who confessed to have been arrested with the instruments and the evidence of the prosecution. Counsel argued on a legal position that confession of a co-accused must be corroborated by another evidence. He stated that the evidence of DW2 was corroborated by the evidence of the Appellant and the prosecution witnesses, referring to the case of **R. v. Emmanuel s/o Barakanfitiye @ Rais and Another**, Criminal Session No. 67 of 2021, where the High Court cited the case of **Ezra Kyabanamizi v. R.**, [1962] E.A. 309 and **Gopa Gidamebanya and Others v. R.** [1953] 20 EACA 318. Counsel concluded by a prayer for dismissal of the appeal in its entirety.

In rejoinder, the Appellant prayed for the Court's carefully assessment and determination of his appeal by allowing the same. He contended that irrespective of the fact that the prosecution witnesses were reliable, there was a need for his neighbours and fellow tenants to be called to testify in

court to establish the offence he was charged with. He added that he was not accorded his rights when the caution statement was taken by the police. He contended that before the trial court, he denied to possess the bag that contained the instruments. He reiterated his prayer for the court to allow his appeal.

In the course of composing judgement, I noted from the charge sheet and the judgement of the trial court that the accused persons were charged and convicted of an offence charged under section 298(d) of the Penal Code. Section 298(d) of the Penal Code require the offence to be committed by day. But the evidence before the trial court established that the Appellant and second accused, were found in possession of the housebreaking instruments around 23:00 to 00:00 at night. On 21/12/2023, I asked the parties to address me on the point.

The Appellant informed the Court that he is not knowledgeable of the law. He prayed the Court to do justice and decide based on the requirement of the law.

Mr. Kabelwa for the Respondent admitted that section 298(d) of the Penal Code was inapplicable to the offence in terms of time as the Appellant committed the offence at night. He stated that the applicable provision is

section 298(c) of the Penal Code. He informed the Court of the current position that the irregularity is not fatal and the Court has powers to apply justice driven approach. He urged the Court to invoke the prejudice test by looking at the proceedings and evidence before the trial court to ascertain whether prosecution evidence was sufficient to establish the offence, or the accused persons were not informed of the offence charged against them. He cited the cases of **Safari Anthony @Mteremko and Another v. R.**, Criminal Appeal No. 404 of 2021, where the Court of Appeal cited the case of **Flamo Alphonse Masalu @Singu and 4 Others v. R.**, Criminal Appeal No. 366 of 2018; and, **Joseph Leko v. R.**, Criminal Appeal No. 128 of 2013. Mr. Kabelwa submitted that the evidence adduced before the trial court established the offence under section 298(c) of the Penal Code beyond reasonable doubt. He contended that the Appellant and second accused confessed to have been found with the instruments. He argued that the accused persons were not prejudiced as they understood from the facts read to them, and evidence adduced, that the offence was committed at night. He contended that the accused persons were not denied their rights. He added that neither the Appellant nor the second accused gave any lawful excuse of possessing the instruments, and that they confessed to be in

possession of the instruments which were written in the certificate of search and seizure.

Mr. Kabelwa submitted that the prosecution was still required to prove the offence against the accused persons despite the provision of section 298(c) of the Penal Code that require the accused person to prove the lawful excuse of possessing the instruments. He argued that the prosecution managed to prove the offence against the accused persons and thus, the offence was established against the accused persons.

He submitted further that during preliminary hearing, the charge sheet was read in respect of the offence under section 298(d) of the Penal Code. He was quick to point that the facts read to the accused persons constituted the offence under section 298(c) of the Penal Code. He added that the evidence adduced before the trial Court established the offence under section 298(c) of the Penal Code according to the facts. He argued that the charge and facts that were read in court, were in respect of section 298(c) and not 298(d) of the Penal Code. He contended that the accused persons were properly informed and understood the proceedings and their testimony related to the offence under section 298(c) of the Penal Code. He prayed for the Court to find that the accused persons were not prejudiced.

The Appellant reiterated that he did not know the applicable provision but argued that it was the trial court which should have done justice by informing him of his rights including the offence he was charged with. He prayed for justice to be done.

I have noted from the above submissions that the learned State Attorney admitted the irregularity of citing inapplicable provision of section 298(d) of the Penal Code in the charge sheet contrary to section 135(a) of the CPA. This being a point of law, I should first determine whether the irregularity in the charge sheet is fatal or curable under section 388 of the CPA. For the purpose of clarity, the extract of the charge sheet read as follows:

***CHARGE***

**STATEMENT OF OFFENCE**

***UNLAWFUL POSSESSION OF HOUSEBREAKING INSTRUMENTS:***

*Contrary to section 298(d) of the penal Code [Cap. 16 R.E. 2022]*

**PARTICULARS OF OFFENCE**

***SAID HUSSEIN KANJI and NIKILAU VITUS ULIZA @ NIKO***, on 15<sup>th</sup> July 2022 at Mhola area, Ifakara Township within Kilombero District in Morogoro Region, the accused persons were found with housebreaking instruments to wit; one (1) cutter plier, three (3) screw drivers (bisibisi), Two



*(2) pangas, and one (1) wire mesh (wavu/vichoteo vya simu) for stealing cell phones.*

From the above extract, the charge sheet not only cited wrong charging provision of section 298(d) of the Penal Code, it also did not indicate, in the particulars of offence, the time of commission of the offence. Despite the anomaly, the proceedings of the trial court reveal on page 5 that on 02/11/2022, when the memorandum of facts was drawn, the prosecution informed the court that the offence was committed at night.

Section 298 provide:

*298 Any person who is found under any of the following circumstances, namely-*

*(a) N/A*

*(b) N/A*

*(c) having in his possession by night without lawful excuse, the proof of which lies on him, any instrument of housebreaking;*

*(d) having in his possession by day any instrument of house breaking with intent to commit an offence; (e) N/A*

*(f) N/A*

*b*

*is guilty of an offence and is liable to imprisonment for five years  
or, if he has been previously convicted of an offence relating to  
property, he is liable to imprisonment for fourteen years.*

The ingredients of offences under section 298(c) and (d) of the Penal Code differ in two aspects. The first difference is the time of commission of an offence. While paragraph (c) require the offence to be committed at night, paragraph (d) to which the accused persons were charged, require an offence to be committed by day. The second is the requirement under section 298(c) of the Penal Code that the possession of the instruments at night should be without a lawful excuse, the proof of which lies upon an accused person. Section 298(d) of the Penal Code require that the possession of instruments should be with intent to commit an offence. As a general rule, the proof that an accused person possessed instruments with intent to commit offence under section 298(d) of the Penal Code lies upon the prosecution.

I have read the proceedings of the trial court. I have found that the evidence of both prosecution and defence clearly establish the accused persons were found in possession of the instruments at night. The possession of the instruments by the accused persons at night, conform to section 298(c) and

not 298(d) of the Penal Code. Neither the proceedings nor the judgement of the trial court reveal that the other ingredient as to possession of the instruments without lawful excuse was established by the prosecution. Similarly, there is nowhere in the proceedings and judgement that the prosecution witnesses and the exhibits admitted in evidence, established whether or not, the accused persons were in possession of the instruments with or without lawful excuse.

Again, neither the proceedings nor the judgement of the trial court reveal that the accused persons were informed of the requirement under section 298 (c) of the Penal Code, that the offence they were charged with, required them to state in their respective defences, that they had lawful excuse to possess the instruments. The proceedings does not reflect anywhere that there was an amendment to the charge sheet in compliance with section 234 (1) of the CPA.

I agree with the submission by the learned State Attorney that evidence of the DW1 and DW2 did not reveal that the accused persons had any lawful excuse for possessing the instruments. However, I have found that the proceedings and the resultant judgment do not indicate that the accused persons were informed of the offence charged that would lead them to prove

that the possession of the instruments at night was or was not for a lawful excuse. The preliminary hearing proceedings, the ruling on a case to answer and the judgement of the trial court, all indicate that the prosecution and the defence were led to testify on the latter's possession of the instruments at night. They were not led to testify whether the accused persons' possession of the instruments was or was not for a lawful excuse.

In terms of the ingredients under section 298(c) of the Penal Code, I am disinclined to accept the invitation by Mr. Kabelwa that the accused persons were properly informed and understood the nature of the offence they were charged with. I am of the position that as long as the record of the trial court does not reveal that the accused persons were informed of the offence charged and ingredients under section 298(c) of Penal Code, the accused persons were denied the right to a fair hearing.

The learned State Attorney invited me to follow the decision of the Court of Appeal in **Safari Anthony @Mteremko and Another** (supra) and **Joseph Leko** (supra). In **Safari Anthony @Mteremko and Another** (supra), the Court of Appeal desisted from holding that failure of the trial court to advise assessors of their roles and to explain vital points of law, prevented them from performing their duties in the trial. The Court of Appeal found that

throughout the proceedings, the assessors were afforded right to ask questions to all witnesses, and a summing up was read and explained to the assessors. The Court of Appeal found no prejudice to any of the appellants. The Court also found the infraction was inconsequential and one of the procedural omissions curable under section 388 of the CPA.

In **Joseph Leko** (supra), the complaint was in respect of citation of section 130(2)(b) instead of section 130(2)(e) of the Penal Code in the charge sheet. The Court of Appeal held that the error did not occasion miscarriage of justice to the appellant. It also held that the evidence of the victim proved her age to be 11 years which was not questioned by the appellant, and hence, no consent was required to prove the offence charged. The Court held that the irregularity was curable under section 388 of the CPA.

I find that the above two cases distinguishable from the present case. In the present case, although the relevant provision was section 298(c) instead of 298(d) of the Penal Code to which the accused persons were charged, the accused persons were not informed of the nature and ingredients of the offence charged that would afford them an opportunity to effectively defend themselves. This would include, the accused persons' defence on whether they had or had no lawful excuse to possess the instruments at night, the

ingredient which is missing under section 298(d) of the Penal Code. I hold that the irregularity in the charge sheet is incurably defective. On the basis of the observation that the Appellants were denied a fair trial, the defect vitiates the entire proceedings which cannot be salvaged by section 388 of the CPA. I declare the proceedings and judgement of the trial court a nullity. I hereby quash the conviction and set aside the sentence imposed on the accused persons by the trial court.

Upon making the above findings, I am now enjoined to determine whether or not, the present appeal is a fit case to order a retrial. In resolving the question, I am guided by the principle laid down in the case of **Fatehali Manji v. Republic** [1966] E. A. 341, where the defunct East African Court of Appeal underlined that a retrial will be ordered only where the original trial was illegal or defective but it will not be ordered if it will serve the purpose of affording the prosecution an opportunity to fill up gaps in its weak evidence at the first trial.

From the foregoing, the question that pops up at this juncture is whether there is sufficient evidence warranting this court to order the retrial. I have read the proceedings of the trial court, the same reveal that PW1, PW2 and PW3 were the eye witnesses and were present when search was conducted

at the Appellant's rented place. Their testimony on pages 12, 15, and 17 of the proceedings is consistent and similar that upon search, the accused persons were found with housebreaking instruments, admitted as Exhibit P1 to P6. It was further established that the Appellant and second accused were chased by PW1 and PW3 at around 23:00 when the later were in patrol. The bag found with housebreaking instruments, was carried by the second accused. The accused persons entered into a house rented by the Appellant. They were both arrested and searched at 00:00 hours and found with housebreaking instruments. The accused persons, DW1 and DW2 admitted in their testimonies on pages 21 and 23 of the proceedings, respectively, that they were found with the bag containing housebreaking instruments which were produced in court.

From the above observation as to what transpired at the trial Court, it is safe to hold that if the accused persons were to be charged under section 298 (c) of the Penal code, the oral evidence of the prosecution witnesses, PW1, PW2 and PW3 before the trial court sufficed to establish the ingredient of the offence under the said provision that the accused persons were found in possession of housebreaking instruments at night. The evidence of the prosecution would place the burden to the accused persons to prove that

they had lawful or valid reason for possessing the said instruments at the material time. I hold so because, in my reading and understanding of the section 298(c) of the Penal Code, once the prosecution successfully establishes beyond reasonable doubt that the accused person was found at night hours in possession of an instrument of housebreaking, then the accused is guilty of the offence unless he demonstrates that he had a lawful excuse for possessing the instrument.

From the above findings, it is clear to me that the prosecution established the accused persons' possession of the instruments at night. However, as the charge sheet is incurably defective and the trial vitiated, I find that the interest of justice calls for an order to conduct a fair trial against the accused persons for the alleged offence.

I direct retrial of the case against both accused persons as early as possible before a different magistrate. The Appellant and the second accused person, Nikolaus Vitus Uliza @Niko, shall remain in custody awaiting their trial. The prosecution should amend the charge sheet so as to indicate the provision under which the category of the offence of possession of house breaking instruments was committed.

It is so ordered.

Right of appeal fully explained to the Parties.

**DATED at MOROGORO** this 11<sup>th</sup> day of January 2024.



*H. A. Kinyaka*  
**H. A. KINYAKA**

**JUDGE**

**11/01/2024**

H. A. KINYAKA

JUDGE

11/01/2024