

**IN THE HIGH COURT OF TANZANIA**  
**CORRUPTION AND ECONOMIC CRIMES DIVISION**  
**AT DAR ES SALAAM**

**ECONOMIC CASE NO. 18 OF 2021**

**THE REPUBLIC**

*Versus*

**MOHAMED MSHAMU LIKULO**

**JUDGMENT**

**19/05/2022 & 27/05/2022**

**E.B. LUVANDA, J.**

Mohamed Mshamu Likulo is indicted for trafficking in narcotic drugs contrary to section 15(1)(a) and (3)(iii) of the Drugs Control and Enforcement Act No. 5 of 2015 as amended by the Drugs Control and Enforcement (Amendment) Act No. 15 of 2017 read together with paragraph 23 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organized Crime Control Act, Cap 200 R.E. 2019, as amended.

In the particulars of offence it is alleged that on 9/02/2019 at Nyamwage Village within Rufiji district in Coast region, the accused person was found

trafficking in narcotic drugs namely cannabis sativa weighing 102.33 kilograms. The accused person denied the information.

The question for determination is whether the prosecution have proved their case on the standard.

Principally, to a large extent the accused aligned his defence along the same facts adduced by the arresting or seizing officer Insp. Wilbard Matee (PW3) save for a slight departure. In other words, at the end of the trial, parties were in substantial agreement on most things or facts which were pertinent to the facts in issue. Instance on defence, the accused person did not deny a fact that he is living at Nyamwage. The accused person acceded to a fact that on the material fateful date of incident in the evening time, he was spraying pesticide on his farm at Nyamwage. The accused person did not counter a fact that while on farming activities aforesaid, he was summoned by her daughter who was accompanied by one of the arresting officers that is PW3, the later escorted the accused person up to the his home. The accused did not refute a fact that a search was conducted at his house in the presence of a hamlet chairman for Eastern Hamlet one Jumanne Maharami Mtandala (PW5). There was no rebuttal to a fact that in the course of that search, two sacks (polysack

bags) containing leaves suspected to be cannabis sativa (exhibit P6) and a motorcycle MC 769 BUX Fekon brand (exhibit P3) were impounded at the rear of the accused's house. The accused did not oppose a fact that after search, a certificate of seizure was recorded at the scene where he appended a signature.

The accused person however dispelled accusation for involvement in trafficking narcotic drugs and disowned those two polysack bags containing cannabis sativa (exhibit P6) and a motorcycle (exhibit P3) on explanation that he is not used to visit his house at the rear where those items were found. Nevertheless, on cross examination DW1 was honest that her daughter did not tell him that someone had visited at his home and left a motor cycle with sacks, neither her daughter told her that the arresting officers had come with a motor cycle which had carried sacks. DW1 stated that there is no any other person who visited at his home on the material date apart from the arresting officers.

In view of that and so far the accused person had appended a thumb print in a certificate of seizure form DCEA 003 exhibit P2, committing himself to a fact that exhibit P6 and P3 were seized at his house, he cannot be heard afterward disowning those seized items.

Above all, on cross examination DW1 stated that he has no any dispute or grudges with police officers or hamlet chairman (PW5). Therefore, there is no any reasons for misbelieving the testimony of arresting or seizing officer PW3, including witness to a search and seizure that is PW5.

Appreciation to Mr. Clemence Kato learned State Attorney for the republic and Mr. Isack Rutashobya learned Advocate for the accused person who have been there throughout the trial.

Therefore the accused is found guilty and is convicted for the offence of trafficking in narcotic drugs contrary to section 15(1)(a) and (3)(iii) of the Drugs Control and Enforcement Act Cap 95 R.E. 2019 read together with paragraph 23 of the First Schedule to, and sections 57(1) and 60(2) of the Economic and Organized Crime Control Act, Cap 200 R.E. 2019.



E.B. Luvanda

**Judge**

**27.05.2022**

## **SENTENCE**

The Tanzania Sentencing Manual for Judicial Officers, page 64 stipulated the minimum and maximum sentence for this offence to be 20 years minimum and 30 years maximum. Given that the accused person is a first offender, I sentence him to a term of twenty five (25) years imprisonment.



**E.B. Luvanda,**  
**Judge**  
**27/05/2022**