

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

**(CORAM: KILEO, J.A., ORIYO J.A. And MMILLA J. A.)**

**CRIMINAL APPEAL NO.155 OF 2014**

**1. NICODEMUS AWE** }  
**2. JOEL SIMON** } .....**APPELLANTS**  
**3. DURU MORINGA** }  
**VERSUS**  
**THE REPUBLIC.....RESPONDENT**

**(Appeal from the conviction and sentence of the High Court of Tanzania  
at Arusha)**

**(Massengi, J.)**

**dated the 11<sup>th</sup> day of November, 2011  
in  
Criminal Appeal No. 8 of 2010**

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**JUDGMENT OF THE COURT**

9<sup>th</sup> & 9<sup>th</sup> September 2014

**KILEO, J. A.:**

We have considered the grounds of appeal and the whole circumstances of the case. We have also heard the appellants as well as Ms. Ellen Rwijage, learned State Attorney for the respondent Republic who does not support conviction and the sentence meted out against the appellants. Having done as above, we are of the settled view that the appeal by Nicodemus Awe, Joel Simon and Duru Moringa was lodged with

sufficient cause for complaint. In the circumstances, pursuant to Rule 39 (6) of the Court of Appeal Rules, 2009 we allow the appeal for reasons to follow. Convictions are quashed and sentences set aside. Appellants are to be set at liberty forthwith unless they are held for some lawful cause.


**DATED** at **ARUSHA** this 9<sup>th</sup> Day of September 2014.

E. A. KILEO  
**JUSTICE OF APPEAL**

K. K. ORIYO  
**JUSTICE OF APPEAL**

B. M. MMILA  
**JUSTICE OF APPEAL**

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

  
E. Y. MKWIZU  
**DEPUTY REGISTRAR**  
**COURT OF APPEAL**