IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB- REGISTRY OF DAR ES SALAAM

AT DAR ES SALAAM

CRIMINAL APPEAL NO. 122 OF 2022

TWALIB KHAMIS DIHENGA ..... 1ST APPELLANT

AMRI SELEMANI MBINDINGU @CHORIRA ..... 2ND APPELLANT

VERSUS

THE REPUBLIC ..... RESPONDENT

(Arising from the decision of the District Court of Kigamboni at Kigamboni in Criminal Case No. 48 of 2020)

JUDGMENT

13th February & 14th April, 2023

KISANYA, J.:

The appellants, Twalib Khamis Dihenga and Amri Seleman Mbindingu @Chorira, were charged and tried before the District Court of Kigamboni at Kigamboni with five counts. The first, second and third counts were armed robbery contrary to section 287A of the Penal Code, Cap. 16, R.E. 2019 (now R.E. 2022), while the fourth and fifth counts were gang rape contrary to sections 130(1) (a) and (2) and 131A (1) and (2) of the Penal Code (supra). All offences were alleged to have been committed on the 15th day of May 2020 at Ling'ata area within Kigamboni District in Dar es Salaam Region.

On the first count, the prosecution stated that the appellants did steal TZS 5,800,000/=, wedding ring valued at TZS 800,000, one television make zola valued at TZS 2,900,000/=, one mobile phone make Nokia valued at TZS

50,000/=, one mobile phone make Afosin valued at TZS 600,000/=, mobile phone make Tecno valued at TZS 50,000, different pairs of clothes valued at TZS 1,000,000/=, all valued TZS 11,200,000/=, the properties of one Chacha Mwita Meng'ayi and that immediately before and after such stealing they threaten him with a bush knife in order to obtain and retain the said properties.

As for the second count, the particulars of offence were to the effect that, the appellants did steal one wedding ring valued at TZS 1,000,000/=, one engagement ring valued at TZS 800,000, one pair of gold ring and chain valued at TZS 1,000,000/=, two bags and five pairs of vitenge valued at TZS 150,000/=, all valued TZS 1,950,000/=, the properties of one Taina Manyaka and that immediately before and after such stealing they threatened him with a bush knife in order to obtain and retain the said properties.

As regards the third count, the appellants were alleged to steal one mobile phone make Tecno valued at TZS 50,000/= and cash money of TZS 80,000/=, all valued TZS 130,000/=, the properties of one, Kudra Ramadhan and that immediately before and after such stealing they cut her with a bush knife in order to obtain and retain the said properties.

With regard to the fourth count, it was stated that the appellants did have carnal knowledge of one Kudra Ramadhan without her consent. And for the fifth count, the appellants were alleged to have had carnal knowledge of one Joyce Chacha without her consent.

After a full trial, the appellants were both convicted with the charged offences and sentenced each to thirty years imprisonment for the first three counts and life imprisonment for the last two counts.

The prosecution case was based on the oral evidence adduced by seven witnesses and five exhibits. Briefly stated, the crime was stated to have been committed on 15th May, 2020 at night. The victims are PW1 for the third and fifth counts, PW2 for the fifth count, PW3 for the second count and PW4 for the first count. It is undisputed that PW4 and PW3 are husband and wife. They were living at Lingatu, Kigamboni, Dar es Salaam, with Jema and Jimm (children), Joaness (nephew), Juve (house boy) PW2 (niece) and PW1 (house maid). It is undeniable fact that the appellants and the victims (PW1 to PW4) did not know each other, save for PW4 who stated that the 1st appellant was known to him before the incident.

On the material date, the victims were sleeping in their respective bedrooms. Around 2:00 am or so, PW3 and PW4 heard the dogs barking. PW3 peeped outside and saw nothing. Suddenly, the door was broken and four people entered in their bedroom whereby they inflicted cut wounds on PW3 and PW4 with a bush knife. A number of items were stolen from PW1, PW3 and PW4 including one television, mobile phones, cash money, wedding rings, one engagement rings, bags, *vitenge* and clothes. It was also testified that, PW1 and PW2 were raped by two robbers.

During the trial, the prosecution contended that the appellants were among the robbers who committed the offences in the house of PW3 and PW4. The victims (PW1, PW2, PW3 and PW4) testified to have identified the appellants with the aid of light from a bulb. PW3 added that the robbers had torches. The victims further testified that the appellants were identified easily because the incident took about forty five minutes to one hour. Further to this, PW4 stated that the first appellant was known to him before the incident because they are living in the same street and that they used to meet in social events. It was further contended that, PW1 and PW2 identified the appellants during the identification parades conducted by PW7. Four identification parade registers - PF 186 were tendered and admitted in evidence as Exhibit P5, P6, P7 and P8.

Furthermore, it was alleged that the first and the second appellants admitted having committed the offence. Their cautioned statements were recorded before E7870 D/C Audiphace (PW1) on 17th May, 2020 and 18th May, 2020 and were admitted evidence as Exhibits P3 and P4 respectively.

Another witness for the prosecution is a medical doctor of Kigamboni Health Centre one, Michael Nduguru (PW5). He testified that on 15th May, 2020 in the morning, he examined PW1 and PW2 who were alleged to have been raped. According to him, their private parts were swollen and had tears, while the virginal hymen had been removed. PW5 opined that PW1 and PW2 had been raped. His findings were recorded in the medical examination reports-PF3

which were admitted in evidence as Exhibit P1 (for PW2) and Exhibit P2 (for PW1).

The last witness is the arresting officer one, F8639 PC Khamis (PW8). He told the trial court that he arrested the first and second appellants on 17th May, 2020 and 18th May, 2020 respectively. PW8 testified to have received information of the armed robbery from the victim including PW1 and PW2 who illustrated the faces of the appellants.

In their respective defence, each appellant denied committing the offences. They stated to have been arrested, interrogated on their personal particulars and charged before the trial court.

The trial court was satisfied that the appellants were identified at the crime scene and all offences were proved beyond reasonable doubts. It went on convicting and sentencing the appellants as stated earlier.

Dissatisfied with the conviction and sentence, the appellant filed a petition of appeal consisting of eight grounds of appeal which may be summarized as follows:

1. That the learned trial magistrate erred in law and fact by convicting the appellants basing on the visual identification of PW1, PW2, PW3 and PW4 which was insufficient, incredible and unreliable to ground the appellants' conviction as distance and intensity of light was not sufficiently explained.
2. That the learned trial magistrate erred in law and fact by convicting the appellants in a charge which was not proved

beyond reasonable doubt as the prosecution evidence in court was at variance with particulars of the offence in respect to the stolen properties and total costs.

3. That the learned trial magistrate erred in law and fact in convicting the appellants basing on Exhibit P3 and P4 (cautioned statements) where the same was illegally and/or procedurally taken in violation of the law.
4. That the learned trial magistrate erred in law and fact in convicting the appellants basing on Exhibit P5 (identification parade form) which was illegally and/or procedurally conducted by PW7 without complying with P.G.O No. 232.
5. That the learned trial magistrate erred in law and fact in convicting the appellants without making critical analysis, weighing and consider evidence adduced by the defence.
6. That the learned trial magistrate erred in law and fact in convicting the appellants for the offence of gang rape based on the evidence of PW1 and PW2 which was incredible, insufficient and unreliable to ground the appellant's conviction.
7. That the learned trial magistrate erred in law and fact in convicting the appellants based on defective charge sheet as the statement of offence did not establish gang rape.
8. That the learned trial magistrate erred in law and fact in convicting the appellants in a case which was not proved beyond all reasonable doubt.

During the hearing of this appeal, the appellants appeared in persons, unrepresented, whilst the respondent had the legal service of Mr. Paul Kimweri, learned Senior State Attorney.

The appellants opted to hear the reply to submission first. However, they urged the Court to consider the Court of Appeal's decisions in the cases of **Yassin Hamis Ally @Big vs R**, Criminal Appeal No. 254 of 2013, **Watende Sultan Mwingo and 3 Others vs R**, Criminal Appeal No. 232 of 2012 and **Donald Joseph Nzweka and 3 Others vs R**, Criminal Appeal No. 464 of 2019 (all unreported). On the other side, Mr. Kimweri submitted in reply. He did not support the appeal. At the end of the day, he prayed that the appeal be dismissed for want of merit. In their rejoinder, the appellants urged me to consider their appeal and acquit them.

Having given the appeal, submissions and cited authorities due consideration, I shall consider whether the appeal is meritorious or otherwise.

I prefer to start with the seventh ground. In that ground, the charge sheet is said to be defective on the ground that the statement of offence did not establish gang rape. In rebuttal, Mr. Kimweri submitted that there was nothing to suggest the charge sheet was defective.

Under sections 132 and 135(a) (ii) of the CPA, a statement offence is one of the ingredients of the charge sheet. Now, section 135 (a) (ii) of the CPA provides that the statement of offence shall describe the offence shortly in ordinary language and without necessarily stating all the essential elements of the offence. However, if the offence charged is one created by enactment, the

charge sheet must contain a reference to the section of the enactment creating the offence.

As hinted earlier, the offence of gang rape was in respect of the fourth and fifth counts. The statement of offence of both counts reads as follows:

> *"GANG RAPE: contrary to Section 130(1)(2)(a) and 131A(1) and (2) of the Penal Code, Cap. 16, R.E. 2019]*

As it can be glanced from the above, the statement of offence of gang rape was duly described in ordinary language. Further to this, the statement of offence made reference to the law creating the offence of gang rape. On that account, the seventh ground is dismissed.

Next for consideration is the second ground of appeal. The complaint is that the prosecution did not prove its case as the charge sheet and evidence adduced by the prosecution are at variance on the stolen properties and the total costs. On his part, Mr. Kimweri submitted that the items stolen and subject to the first, second and third counts were proved by PW4, PW3 and PW1 respectively. He was of the firm view that the charge sheet was not defective. Having examined the record, I find that the complaint has merit due to the following reasons.

One, the first count shows that the appellant did steal TZS 5,800,000/=, one wedding ring valued at TZS 800,000, one television make zola valued at TZS 2,900,000/=, one mobile phone make Nokia valued at TZS 50,000/=, one mobile phone make Afosin valued at TZS 600,000/=, mobile phone make Tecno

valued at TZS 50,000, different pairs of clothes valued at TZS 1,000,000/=, all valued TZS 11,200,000/=. As rightly submitted by Mr. Kimweri, the prosecution paraded PW4 to prove this count. In his oral evidence, PW4 stated that, Azola solar was also stolen. Yet the said property does not feature in the charge sheet.

Two, the properties subject to the second count were TZS 1,000,000/=, one engagement ring valued at TZS 800,000, one pair of gold ring and chain valued at TZS 1,000,000/=, two bags and five pairs of vitenge valued at TZS 150,000/=, all valued at TZS 1,950,000/=, the properties of PW3. In her evidence, PW3 testified the robbers took her "vitenge, handbags, clothes, engagement and wedding rings and earrings". Thus, her evidence shows that her clothes were stolen while that fact is not reflected in the charge sheet.

Three, the third count was to the effect that the properties stolen from PW1 were mobile phone make Tecno valued at TZS 50,000/= and cash money of TZS 80,000/=. However, PW1 told the trial court that her mobile phone had the value of TZS 30,000/=.

Four, PW4 and PW3 did not give evidence as to the value of properties stated in the first and second counts. If the value of the said properties is unknown to PW4 and PW3, such fact is at variance with the charge sheet which stated the value of each item.

In view of the above variation, the prosecution ought to have amended the charge sheet, under section 234 of the CPA. It is trite law that the omission

to cause amendment of the charge which is at variance with the evidence renders the charge defective. Further, the prosecution deemed to have failed to prove the charge preferred against the accused person. There is plethora of authorities on that position of law. See for instance the case of **Donald Joseph Nzweka and 3 Others** (supra), wherein the Court of Appeal noticed that some of the items mentioned by the witness as part of the stolen items were not listed in the charge sheet. It cited with approval its decision in the case **Issa Mwanjiku @ White vs R**, Criminal Appeal No. 175 of 2018 where it was underlined that:

> *We note that, other items mentioned by PW1 to be among those stolen like, ignition switches of tractor and Pajero were not indicated in the charge sheet. In the circumstances of this case, we find that the prosecution evidence is not compatible with the particulars in the charge sheet to the charge to the required standard...*" (Emphasis supplied).

In our case, the prosecution evidence and the charge are at variance on what was actually stolen from PW1, PW3 and PW4. The said variation cannot be taken lightly. Being guided by the above stated position, the variation rendered the first, second and third counts not supported by the prosecution evidence. Thus, I find the second ground to have merit.

I turn to the first ground. The appellants lament that their convictions were premised on the visual identification evidence of PW1, PW2, PW3 and

PW4 which was insufficient, incredible and unreliable. It is their contention that the distance and intensity of light was not sufficiently explained.

Mr. Kimweri replied that the appellants were duly identified by PW1, PW2, PW3 and PW4 and the visual identification was watertight. It was his submission that the said witnesses identified the appellant with the aid of electricity light which was illuminating from the bulb. According to him, PW3 stated that the bandits had torches and that her room had enough light. As for the distance at which the witnesses identified them, the learned Senior State Attorney submitted that the appellants and witnesses faced each other and that the incident took about forty five minutes to one hour. Relying on the case of **Waziri Amani vs R** [1980] TLR 250, he submitted that the said factors were favourable for the witnesses to identify the appellants.

From the above submissions, the issue is whether the appellants were identified at the scene of crime. It is common ground that the appellants were convicted based on the visual identification evidence of PW1, PW2, PW3 and PW4. In terms of the settled law, such evidence is of the weakest kind and unreliable. The court can only be acted upon, if there is no possibility of mistaken identity and/ or fabrication. Apart from the landmark case of **Waziri Amani** (supra) cited by the learned Senior State Attorney, this stance was taken in **Raymond Francis vs. R**., (1994) TLR 100 where it was held that:

> *"…it is elementary that in a Criminal Case where determination depends essentially on identification*

evidence on conditions favouring correct identification is of utmost importance".

The factors to be taken into account in testing whether the visual identification evidence is watertight were stated in the case of **Waziri Amani** (supra) to include:

> *"The time the witness had the accused under observation; the distance at which he observed him; the conditions in which such observation occurred, for instance, whether it was day or night time, whether there was poor lighting at the scene; and further whether the witness knew or had seen the accused before or not"*

In the instant case, PW1, PW2 and PW3 did not testify to know the appellant before the incident. As for the lighting at the scene, I agree with Mr. Kimweri that all victims (first four witnesses) stated to have identified the appellant with aid of light from the solar bulb. However, none of the witnesses adduced on the intensity and sufficiency of the said light for purposes of identification. It was not enough for the witnesses to state that the solar bulb was on. The prosecution ought to have examined them on the intensity of the light relied upon to identify the appellants. See the case of **Kassim Said and 2 Others vs R**, Criminal Appeal No. 208 of 2013 (unreported) cited with approval in **Watende Sultan Mwingo** (supra) where it was held that:

> *"When it comes to the issue of light, clear evidence must be given by the prosecution to establish beyond reasonable doubt that the light relied on by the witnesses was*

reasonably bright to enable the identifying witnesses to see positively identify the accused person. Bare assertion that there was light would not suffice."

I have further considered that PW3's evidence that the robbers had torches. At the outset, PW3 did not state anything about the intensity of the light from the robbers' torches. Further, other victims (PW1, PW2 and PW4) did not state anything about the torches. In any case, if it is taken that the robbers' torches were on, there is a doubt whether the solar light was sufficient.

Furthermore, the arresting officer (PW8) stated that the victims "illustrated the faces of the accused person." However, PW8 did not tell the trial court about the distinctive features given by the victims. In their evidence, PW3 and PW4 did not state the features of robbers whom they identified at the scene. It is also not known as to why PW3 did not attend the identification parade to identify the appellants. Likewise PW4 did not attend the identification parade in order to identify the second appellant who was not known to him before the incident. In the result, it is clear that PW3 identified both appellants in the dock. Likewise, PW4 came to identify the second appellant in the dock. Therefore, such evidence cannot be relied upon.

Although PW1 stated that she was able to identify physical features of robbers, she gave evidence one robbers who was "brown, not fat nor was shin (sic) he was normal." On her part, PW2 testified that one robber was "short not fat" while the second robber was "thin short". None of them demonstrated on

the distinctive clothes, voice etc. Considering further that many people have the physical structures given by PW1 and PW2, I am of the view the said features were not sufficient to lead PW8 to arrest the appellants.

There is also evidence of PW4 that the 1st appellant was known to him before the incident as they were living in the same street. He also stated that they used to meet on different social events. In the circumstance, there was identification by recognition. That notwithstanding, the trial court was duty bound to take precaution of the possibility of the victim being incorrectly recognized or the evidence being fabricated. The ability of the identifying witness to name and describe accused person at the earliest possible moment is an assurance of his or her reliability. This position has been stated in a number of authorities. One of such authorities is the case of **Jaribu Abdallah vs. R** [2003] TLR 271 where the Court of Appeal observed:

> *"In matters of identification it is not enough merely to look at factors favouring accurate identification, equally important is the credibility of the witness. The conditions for identification might appear ideal but that is not guarantee against untruthful evidence. The ability of the witness to name the offender at the earliest possible moment is in our view reassuring though not a decisive factor*."

In his evidence, PW4 told the trial court that the police came at the scene immediately after the offence. However, nothing to suggest that PW4 told the police officer or his neighbor who responded to the alarm that the 1st appellant

was among of his assailants. Such evidence is wanting in the evidence of PW8 who arrested the 1st appellant. As hinted earlier, PW8 stated that the victims gave physical appearance of the appellants. On that account, PW4's evidence that he identified the 1st appellant at the scene of crime is doubtful.

All the above considered, I am of the view that the visual identification evidence was not watertight to warrant the appellants' conviction. Thus, the first ground is found meritorious.

Next for determination is the fourth ground. The complaint thereto is that the identification parade, Exhibit P5 in particular was illegally and/or procedurally conducted by PW7 without complying with P.G.O No. 232. Responding, the learned Senior State Attorney submitted that Exhibit P5 has no defect. He was of the view that the identification parade was conducted in accordance with the PGO as the participants thereto were twelve and had similar physical feature.

Exhibit P5 is the identification parade register which indicates that the 2nd appellant was identified by PW1 at the identification parade held by PW7. Having in the first ground that the factors were not favourable for the identifying witnesses to identify the appellants, the identification at the parade has no weight. Furthermore, as far as identification of the 2nd appellant by PW1 is concerned, I agree with the appellants PGO 232 was not complied as follows:

First, PW7 did not state whether prior to the parade the officer in charge of the case informed the 2nd appellant that he would be up for identification and whether the 2nd appellant's objection, if any was noted by PW7 as mandatorily required under rule 2(c) of PGO 232.

Two, under rule 2(o) of PGO 232, PW1 was required to explain the purpose of the parade and ask the suspect if he has any objection to any person participating in the parade and invite to stand where he pleases in the line. In his testimony, PW7 did not state whether the above legal requirements were complied with.

Third, in terms of rule 2(r) of PGO 232, PW4 ought to have recorded question on how PW2 identified the 2nd appellant at the parade. Such information is wanting in his evidence and Exhibit P5.

For the foresaid reasons, I have no flicker of doubt that the identification parade particularly, in respect of Exhibit P5 was seriously defective and that the evidence obtained thereto has no weight. Therefore, I find merit in the fourth ground.

Another ground for determination is the third ground. It is the appellant's contention that the cautioned statements (Exhibit P3 and P4) were recorded in violation of section 32(1), 48(1) and (2), 50 (1), 51(1) and 53(c) of the CPA, thereby infringing section 27(2) of the Evidence Act. Mr. Kimweri's response was that the cautioned statements were recorded within the time specified by

the law. He further submitted that the cautioned statements were admitted in accordance with the law and after conducting the inquiry. Therefore, he submitted that both cautioned statements were recorded accordance with law.

In the light of the above submission, the first glaring issue is whether the cautioned statements were recorded with the time prescribed by law. Section 50 (2) of the CPA which provides:

> *"50, - (1) For the purpose of this Act, the period available for interviewing a person who is in restraint in respect of an offence is –*
> *(a) subject to paragraph (b), the basic period available for interviewing the person, that is to say, the period of four hours commencing at the time when he was taken under restraint in respect of the offence*.

Basing on the above provision, the issue under consideration is determined by addressing first the date and time at which the appellants were arrested. Starting with the first appellant, PW8 was certain that he arrested him on 17/05/2020 at 05.00 am. His cautioned statement (Exhibit P3) does bear the date on which PW6 recorded the statement. In his evidence in chief, PW6 stated that the statement was recorded on 17/05/2020 at 0700am. His evidence was supported by WP 10201 D/SGT Devotha who testified as PW2 during the inquiry. However, that time is in contradiction with 1700 hours appearing on Exhibit P3. As if that was not enough, when cross-examined during inquiry, the recording officer (PW6) stated that the first appellant was brought at the police

station in the evening. On the foregoing, it is uncertain whether the cautioned statement of the first appellant was recorded within the time prescribed by the law. Such doubt must be decided in favour of the first appellant.

With respect to the second appellant, PW8 stated that he was arrested on 18th May, 2020 at 9.00 pm and taken to the police station at 2345 hours. Now, PW6 stated that the second accused was brought to him on 18th May, 2020 at 2300 hours and that he started to record his cautioned statement (Exhibit P4) at 2345 hours. Indeed, Exhibit P4 shows that the statement was recorded on 18th May, 2020 from 2345 hours. Therefore, the complaint that Exhibit P5 was recorded out time lacks merit.

The second issue is whether both cautioned statements were voluntarily made by the appellants. This issue is based on the provision of section 27(1) and (2) of the Evidence Act which were cited in the third ground. It reads as follows:

> *"27.-(1) A confession voluntarily made to a police officer by a person accused of an offence may be proved as against that person.*
>
> *(2) The onus of proving that any confession made by an accused person was voluntarily made by him shall lie on the prosecution."*

As rightly observed by Mr. Kimweri, the trial court was satisfied that the confessions were voluntarily made by the appellants. That was after conducting an inquiry. In order to establish that the statement is voluntarily made, the

prosecution must among others establish that, certification on the record was made by the police officer. This is pursuant to section 57(3) of the CPA which prescribes that:

> *" (3) A police officer who makes a record of an interview with a person in accordance with subsection (2) shall write, or cause to be written, at the end of the record a form of certificate in accordance with a prescribed form and shall then, unless the person is unable to read-*
>
> *(a) show the record to the person and ask him-*
>
> *(i) to read the record and make any alteration or correction to it he wishes to make and add to it any further statement that he wishes to make;*
>
> *(ii) to sign the certificate set out at the end of the record; and*
>
> *(iii) if the record extends over more than one page, to initial each page that is not signed by him; and*
>
> *(b) if the person refuses, fails or appears to fail to comply with that request, certify on the record under his hand what he has done and in respect of what matters the person refused, failed or appeared to fail to comply with the request."*

In the case of **Juma Omary vs R,** Criminal Appeal No. 568 of 2020 (unreported), the Court of Appeal interpreted the above cited provision in the following terms:

"Our understanding of this provision is that it requires, among others, the police officer who recorded the interview from the suspect or a person suspected to have committed an offence, to certify at the end of the record reduced in writing and if the suspect can read, ask him to sign the said certificate. According to the said provision, the requirement to certify the record is couched in the mandatory form. This means that it has to be complied with. Also, the provision prescribes other conditions in case the person is able to read."

Having so stated, the Court of Appeal went on holding as follows:

"In our view, certification has a purpose of authenticating the truth of what the police officer had recorded and therefore, failure to do so or doing so under non-existent law, would render the same as if no certification was made at all."

I have gone through the cautioned statements (Exhibits P3 and P4) in the case at hand. Contrary to PW6's evidence during the inquiry, it was not recorded whether, before signing Exhibits P3 and P4, the content therein was shown and read over to the appellants. Further to this, both cautioned statement (Exhibits P3 and P4) are silent on whether the appellants indicated that they had no correction, alteration or additional statement. Thus, section 57 (3) of the CPA was not complied with. Being guided by the above cited position of law, I find that the omission affected the authenticity of the

cautioned statements made by the appellants. This is so when it is considered that during the inquiry the appellants denied to have made the statements.

For the reasons stated, I find merit in the third ground and proceed to expunge the cautioned statements (Exhibits P3 and P4) from the record.

In the absence of the cautioned statements, there remains no evidence to prove that the appellants committed the offences levelled against them. Having held earlier on that the visual identification evidence was not watertight and the charge sheet and evidence are at variance on the items stolen, I find merit in the sixth and seventh grounds wherein the appellants grieve that the prosecution was not proved beyond all reasonable doubt.

In the event, I allow the appeal, quash the conviction and set aside the sentences. I further order for the appellants' immediate release unless they are held for other lawful cause.

DATED at DAR ES SALAAM this 14th day of April, 2023.

S.E. KISANYA
JUDGE