

IN THE COURT OF APPEAL OF TANZANIA

AT MBEYA

(CORAM: Mustafa, J.A., Mwakasendo, J.A. and Kisanga, J.A.)

CRIMINAL APPEAL NO. 47 OF 1979

BETWEEN

JOSEPH YUSUFU @ KILANGI APPELLANT

AND

THE REPUBLIC RESPONDENT

(Appeal from the Conviction of the
High Court of Tanzania at Iringa
(Mwakibete, J.) dated the 12th day
of May, 1979,

in

CRIMINAL SESSIONS CASE NO. 24 OF 1979

JUDGMENT OF THE COURT

MUSTAFA, J.A.:

We have considered the grounds of appeal for the appellant. We are satisfied that the appellant killed both the deceased. The evidence of P.W.3, which was accepted by the trial court, establishes that the stabbing of the two deceased by the appellant was unprovoked and sudden. The appellant's version that he was attacked by both the deceased and that in the struggle he managed to grab a knife and stab them was clearly untrue. P.W.3's evidence was in a way corroborated by that of P.W.4 who saw the appellant chasing one of the deceased shortly after the stabbing.

The issue of insanity was considered at the trial and that defence was completely without merit and was rightly rejected by the trial court. We are satisfied that the convictions were justified and the appeal is dismissed.

DATED at MBEYA this 2nd day of September, 1980.

A. MUSTAFA
JUSTICE OF APPEAL

Y. H. M. MWAKASENDO
JUSTICE OF APPEAL

R. H. KISANGA
JUSTICE OF APPEAL



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

(G. A. RWELENCERA)
DEPUTY REGISTRAR