

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE SUB-REGISTRY OF MANYARA  
AT BABATI  
CIVIL CASE NO. 16 OF 2023**

**LAWRENCE SULUMBU TARA..... PLAINTIFF**

**VERSUS**

**RICHARD MWAISEMBA.....1<sup>ST</sup> DEFENDANT**

**THE ATTORNEY GENERAL.....2<sup>ND</sup> DEFENDANT**

**HALFAN A. MATIPULA .....3<sup>RD</sup> DEFENDANT**

**JUDGMENT**

*5<sup>th</sup> March & 9<sup>th</sup> May, 2024*

***Kahyoza, J.:***

**Lawrence Sulumbu Tara**, the plaintiff, instituted against Richard Mwaitemba, the then Officer Commanding Criminal Investigation Department (OC CID) at Babati District, the Attorney General of the United Republic of Tanzania and Halfan A. Mwaitemba, the District Administrative Secretary (DAS) of Babati District, claiming Tzs. 50,000,000/= (Fifty Million) as general damages for false imprisonment.

The undisputed facts are that; **Lawrence Sulumbu Tara**, was arrested on 13.6.2020 and detained at Babati police station lock-up for

nine days. He was released on bail on 22.6.2020 and thereafter, no charge was laid against him.

The defendants refuted the allegation that, **Lawrence Sulumbu Tara**, *was falsely imprisoned and contended that he was detained legally for the offence of incitement pending completion of criminal investigation suspected to have committed at Bashnet Ward.*

The Court framed the issues, which were agreed upon by the parties as follows-

- 1) whether the plaintiff was arrested on 13.6.2020 and detained up to 22.6.2020;
- 2) If the first issue is answered affirmatively, whether the arrest and detention of the plaintiff was lawful and justifiable; and
- 3) To what reliefs are the parties entitled to.

During the hearing, the plaintiff was unrepresented, while Mr. Mbise and Mr. Uriyo, State Attorneys, appeared for the defendants.

The plaintiff testified and summoned five witnesses, who were Lucas Martin (**Pw2**), Tadey Lister (**Pw3**), Christina Martin Qaimo (**Pw4**), John Lucas Martin (**Pw5**) and Joseph Mwita Mniko (**Pw6**).

**Lawrence Sulumbu**, (**Pw1**) testified that on the 12.06.2020 he received a call from Richard Mwaisemba (the 1<sup>st</sup> defendant), and he was informed to appear at OC CID's Office on the 13.06.2020. On the

13.06.2020 at 01:00 pm Lawrence Sulumbu and his Advocate, one Lister Tadei (**Pw3**) reported as agreed. There then, the 1<sup>st</sup> defendant informed them that Lawrence Sulumbu had committed the offence of incitement "Uchochezi" and that he was to be kept in custody. The plaintiff demanded to be supplied with particulars on how he committed the offence and also be afforded bail, but it was in vain. The 1<sup>st</sup> defendant ordered another police officer to escort the plaintiff to the police cells.

Despite several attempts by the defendant's advocate and his relatives to bail him out the matter remained in limbo. The plaintiff was incarcerated from 13.06.2020 to 22.06.2020 (9 days).

On 15.06.2020 the endeavour by police detectives to interview him (and in the presence of one John Mwita, Advocate, (Pw6) under section 57 of **the Criminal Procedure Act**, Cap 20 R. E 2022), proved futile as they were short of prepared questions. The plaintiff requested for bail, and the same was denied. He was sent back to police cells.

On 17.06.2020, the 1<sup>st</sup> defendant summoned the plaintiff at his office and informed him that he was prepared to grant him bail on the condition that he was to stop making noise. He declined, and when the process of bail was about to be completed by the investigator at his office, as he had a surety one Lucas Martine (**Pw2**), the 1<sup>st</sup> defendant entered the office and ordered the investigator to take the plaintiff back to the police lock-up, and

asked the investigator to accompany him to Regional Commissioner's office.

On the same day, at around 03:30 pm, a police officer one Said summoned the plaintiff to the OC CID's office for an interview. In the presence of John Mwita Advocate (**Pw6**), the plaintiff was shown a letter to read as the interview was based on the said letter. The said letter was written by one Christina Martin (**Pw4**) addressed to the president of the united Republic, complaining on frequent arrests by the 1<sup>st</sup> defendant to her husband. That, in the aftermath of RC's order to return auctioned land to its previous owner justice was not done. The plaintiff responded that he did not remember to have written the same. That, he did not remember to have drafted it, and even if he was the one who wrote the said letter, the same was not an offence. To his knowledge, the RC was the one violating the law by prohibiting the execution of the decree.

The plaintiff was taken back to the lock-up, but before that he managed to pass at the charging room, where a police officer showed him the register where it was apparent that the 3<sup>rd</sup> defendant was the one who complained against the plaintiff, stating that the plaintiff instigated people to disobey the regional Commissioner's lawful order. He sued the 3<sup>rd</sup> defendant for he unlawfully complained that the plaintiff instigated people without any base.

On 19.06.2020 at 09:00 am the plaintiff was summoned and got informed that he was to be taken to court. Police officer took him to court with other suspects. To his dismay, he was not brought before any magistrate. At 02:00 pm the police officers took him with other suspects to Babati prison, then he was taken back to Babati police station and locked up.

On 22.06.2020, when the plaintiff asked the Officer Commanding Station (OCS) as to why he kept him in lock up for 9 days, he answered that it was the order of the 1<sup>st</sup> defendant that kept him in the lock up. The OCS called the 1<sup>st</sup> defendant and informed him that the plaintiff was complaining on the same. The OC CID answer was that the plaintiff was to be granted bail on the same day. At 0:00 pm the plaintiff was taken to the OC CID's office, and he was informed that the 1<sup>st</sup> defendant had directed his release on bail to the plaintiff. It was Lucas Martin Henga (**Pw2**) who bailed him as a surety. The investigator told the plaintiff to report at police station after one month. He reported as ordered and as he was ordered to report after another one month, he demanded to be taken to court. It was at that time when, the first defendant resolved to let him free on a condition that he will be summoned to appear if a need arises.

The plaintiff deposed that he suffered physically and psychologically or mentally torture, taking into consideration that he was incarcerated

during the CORONA pandemic era and loss of business, he decided to sue the defendants as he suffered.

The plaintiff tendered a demand notice, a dispatch book for serving a demand notice to the third defendant, a copy of the 90 days' notice of the intention to sue served to the Attorney General and the Solicitor General and the dispatch book on serving notice to the 1<sup>st</sup> defendant, without objection as **exhibit P1, P2, P3 and P4**, respectively.

He further testified that he was unlawfully arrested and detained, for he has never committed any offence, and that he has never been charged to date. For that reason, there was no reasonable cause for his arrest and detention. Following the torture and injury suffered he claimed for general damages, that is to be assessed based on his reputation in the society, as he is a lawyer, he had been a Councillor for Bashnet Ward from 2000 to 2015, once a Deputy Secretary General of NCCR from 2009 to 2012 and also a Regional Chairman of CHADEMA from 2014 up to 2019. Also, prayed for costs of the suit and any other reliefs that this court might deem fit to grant.

Lucas Martin Henga (**Pw2**) and **John Lucas Martin, (Pw5)** deposed that they served the Plaintiff with necessities from 13.06.2020 to 22.06.2020 when he was locked up at police cells. They were alternating. Lucas Martin Henga (**Pw2**), **Lister Tadey, (Pw3)**, and **Joseph Mwita**

**Mniko, (Pw6)**, supported the plaintiff's evidence that he was arrested and detained at police station for a bailable offence from 13.6.2020 to 22.6.2020. **Lister Tadey, (Pw3)**, and **Joseph Mwita Mniko, (Pw6)**, added that they applied for their client to be admitted on bail and the first defendant rejected. **Joseph Mwita Mniko, (Pw6)**, added that on 17.06.2024 he was present at Babati police station when the police officer interrogated the plaintiff. He was suspected to have incited people. He was shown a letter written to His Excellence the President of the United Republic of Tanzania and asked if he drafted it. The plaintiff denied to have drafted it. He added that even if he had drafted it he had committed no offence.

On the other side the defence had two witnesses, namely; Richard Mwisemba (**Dw1**) and Halfan Ahmed Matipula (**Dw2**). Richard Mwisemba, **DW1**, testified that in 2020 he was OC CID of Babati at the rank of Superintendence of Police (SP), that he was responsible to investigate all crimes reported to the police station especially serious crimes. He deposed that on 12.06.2020 he called the plaintiff and informed him to report at Babati Police station, following a complaint that he was inciting people against the Regional Commissioner. The plaintiff reported at Babati Police station on 13.06.2020 with his advocate. He assigned another police officer to put the plaintiff under police custody awaiting the

interview. When he informed the plaintiff about the allegations against him, he admitted. DW1 denies to have instructed the investigator to interview the plaintiff under section 57 of the CPA, as it was upon him to choose which section to use.

Richard Mwaisemba (**Dw1**) denied to have promised the plaintiff's bail upon him keeping quiet. Also, he denied to have instructed police officers to grant bail to the plaintiff, rather he was granted bail after he went to the OCS. He admitted to have knowledge of the letter that was referred by the plaintiff. That he saw it the first time at Arusha where he appeared before the "*Tume ya Maadili ya Viongozi wa Umma*" (The Public Service Ethics Commission) where PW4 complained against the then Regional Commissioner of Manyara for misuse of his powers, by setting aside a public auction ordered by the court. There was also a complaint that, the said Regional Commissioner used police to harass PW4 and her husband. They gave their statement and left.

They received a complaint against the plaintiff and reported it to National Prosecutions Services (NPS), and the NPS directed them to carry on with the investigation, as there was no evidence to charge the plaintiff at the time. Upon having sufficient evidence against the plaintiff, they were to remit the file to them.



He denied the contention that the plaintiff was arrested and detained under his instructions. He prayed for this court to dismiss claim against him. That the plaintiff is well aware as to who was behind his arrest and detention, but chose to proceed against him. When cross-examined by the plaintiff, he responded that the plaintiff was investigated for inciting people to riot against the Regional Commissioner for interfering the order of the court to sell by public auction. That he appeared before the "Tume ya maadili ya viongozi" before he summoned the plaintiff at the police station. Though he is a police officer he does not arrest people. That it was true that PW4 and her husband were confined at Babati Police station. That he was the one who arrested them.

Also, when he was re-examined by Mr. Mbise, DW1 stated that it was not against the law to direct a police officer to confine the plaintiff in the police cell.

**Halfan Ahmed Matipula, (Dw2)**, testified that he is the Administrative Secretary of Babati District. At his personal capacity, he denied to have complained against the plaintiff. He is not aware as to whether the plaintiff was unlawfully detained at police. That there was no way he could know that there was a person charged, arrested and detained. He denied to have mandate to arrest and detain any person. That his duty is to advise the District Commissioner in discharging his duties.

That he received the complaint and filed the defence through his advocate, also paragraphs 3 and 12 were read to him.

Parties were given an opportunity to file final submissions. However, only the plaintiff filed a written submission.

As already pointed out, there are facts not contested, which I extract as to the dictates of section 60 of **the Evidence Act**, Cap 6 R.E 2022 (**the EA**). The said facts are: -

1. That, on 12.06.2020 the 1<sup>st</sup> defendant called the plaintiff and informed him that he was to report at OC CID's office at Babati Police station.
2. That, on 13.06.2020 the plaintiff and his advocate reported as agreed and the 1<sup>st</sup> defendant informed them that there was a complaint against the plaintiff, as he was alleged to have committed an offence of instigation (he was alleged to have incited people to riot against the Regional Commissioner's order to return to the previous owner a land that was bought at public auction by the order of the court).
3. That, the 1<sup>st</sup> defendant ordered for the plaintiff to be detained pending the interview.

4. That the plaintiff was arrested on 13.06.2020, detained in police cells until 22.06.2020 when he was released on bail (9 days detention).
5. That, the arrest of the plaintiff was after the letter of complaint against the Regional Commissioner by Christina Martin was sent to the "Tume ya Maadili ya Viongozi" at Arusha, where among others, the 1<sup>st</sup> defendant appeared before it and gave his statement.

**Was the plaintiff arrested on 13.6.2020 and detained up to 22.6.2020?**

I will now consider the issues framed. To start with the first issue is whether the plaintiff was arrested on 13.6.2020 and detained up to 22.6.2020. Thus, the issue is answered positively, as shown above there is no dispute that the plaintiff was arrested on 13.6.2020 and detained up to 22.6.2020, when he was granted a police bail. The first defendant admitted under oath that after he summoned the plaintiff he ordered his detention waiting to be interviewed. Even if, the first defendant had not admitted, the plaintiff adduced sufficient evidence to prove that the first defendant summoned him, and when he respondent appeared with **Lister Tadey, (Pw3)**, his advocate, the first defendant ordered him to be detained.

In addition, Lucas Martin Henga (**Pw2**), **John Lucas Martin**, (**Pw5**) and **Joseph Mwita Mniko**, (**Pw6**), supported the plaintiff's evidence that he was arrested and detained at police station from 13.6.2020 to 22.6.2020.

**Was the arrest and detention of the plaintiff lawful and justifiable?**

Having answered the first issue affirmatively, the next issue is whether the arrest and detention of the plaintiff was lawful and justifiable. It is settled that our jurisprudence recognises the tort of false imprisonment is a trespass to a person (physical restraint or intentional torts). Winfield and Jolowicz on Tort 15<sup>th</sup> Edition by W.V.H. Rogers Page 69, the learned authors define false imprisonment as:

*"Wrongful restraint, denying a person his liberty. .... "*

It has been proved that the plaintiff was under total restraint by the police force, for 9 days. In the case of **Sixbert Bayi Sanka vrs. Rose Nehemia Samzugui**, Civil Appeal No. 68 of 2022, Court of Appeal at Tanga (unreported) held:- *"proof in civil cases is on balance of probability"*.

It is trite law as Court of Appeal held in **Yusufu Selemani Kimaro v. Administrator General and 2 Others**, Civil Appeal No. 226/ 2020,

that, once the plaintiff gives evidence the defendant bears a burden to controvert the plaintiff's evidence. It stated-

*"Going by the above exposition of the law, it would be insincere if not a misapprehension of the law on the part of Mr, Halfani to complain as he did that the trial Judge had shifted the onus of proof onto the second respondent. **For, in civil cases, the onus of proof does not stand still, rather it keeps on oscillating depending on the evidence led by the parties and a party who wants to win the case is saddled with the duty to ensure that the burden of proof remains within the yard of his adversary.** This is so because as per the case of **Raghramma v. Chenchamma**, A 1964 SC 136, such a shifting of onus is a continuous process in the evaluation of evidence."*  
(Emphasis added)

The plaintiff gave evidence that the first defendant arrested him following the unfounded allegations from the third defendant on inciting people to riot against the then Regional Commissioner. The plaintiff claimed that the defendants had no lawful justification for arresting him and detaining him for 9 days, while the defendants alleged that the plaintiff's arrest was legally justified as the plaintiff was suspected to commit the offence of incitement.

Richard Mwaisemba (**Dw1**), testified that, the plaintiff was suspected to have instigated people to riot against the regional commissioner for

interfering with the order of the court to sell land by public auction. I find this defence to be weak, for, the plaintiff and Lucas Martin Henga (**Pw2**) managed to prove that there was no any evidence or details that connects the plaintiff to the allegation, save for the letter that was alleged to have been authored by the plaintiff.

**Joseph Mwita Mniko, (Pw6)**, deposed that on 17.06.2024 he was present at Babati police station when the police officer interrogated the plaintiff. He was suspected to have incited people. He was shown a letter written to His Excellence the President of the United Republic of Tanzania and asked if he drafted it. The plaintiff denied to have drafted it. He added that even if he had drafted it he had committed no offence at law.

Given the evidence on record, I see no reason why the plaintiff was arrested for the reasons; one, the allegation did not amount to any offence known under our law. Writing a letter of complaint against the Regional Commissioner to Her Excellence the President, did not amount to inciting people to riot against the Regional Commissioner; **two**, there was no any evidence that suggested that the plaintiff authored the letter as he did not sign it or he that he prompted people to riot; and **three**, even if this Court is to believe that the plaintiff wrote the letter to Her Excellence the President on behalf of Christina Martin Qaimo (**Pw4**), that was not an offence leading to arresting a person.

The above notwithstanding, the law is clear that arresting or summoning a suspect for interview is permissible by law. There would have been nothing wrong if the first defendant had summoned the plaintiff, interviewed him and took necessary steps under the law. Section 30 of the Criminal Procedure Act, [Cap. 20 R.E. 2022] (the **CPA**) requires the police officer arresting without a warrant, like in the present case to take the person arrested to the court without delay. It states-

***30. A police officer making an arrest without a warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail take or send the person arrested before a court having jurisdiction in the area of the police station.***

In addition, if the arrested person without warrant is not suspected to commit the offence punishable with death and he cannot be taken to court within twenty-four hours, he must be admitted on bail. And where he is retained in custody, he shall be brought to court as soon as practicable. See section 32.-(1) of the **CPA**, which stipulates that-

***32.-(1) Where any person has been taken into custody without a warrant for an offence other than an offence punishable with death, the officer in charge of the police station to which he is brought may, in any case, and shall if it does not appear practicable to bring him before an appropriate court within twenty four hours after he was so taken into***

*custody, inquire into the case and, unless the offence appears to that officer to be of a serious nature, **release the person on his executing a bond with or without sureties**, for a reasonable amount to appear before a court at a time and place to be named in the bond; but **where he is retained in custody, he shall be brought before a court as soon as practicable.** (Emphasis added)*

Section 31 of the Police Force and Auxiliary Services Act [Cap. ] provides that a police officer who arrest the person shall release that person, among other things if no formal charge has been laid against that person. The plaintiff was arrested without warrant and no formal charge was laid against him within twenty-four hours so he had a right to be released on bail. There is no doubt that the offence he was suspected to commit was not a serious one. Section 31 of the Police Force and Auxiliary Services Act states that-

*31.-(1) Without prejudice to the provisions of any other written law for the time being in force relating to the grant of bail by **police officers, a person brought under the custody of the police on reasonable suspicion of having committed any offence shall be released immediately, where—***

*(a) the police officer who arrested him believes that that person has in fact committed no offence, or that police officer has no reasonable grounds on which to continue holding that person in custody;*



*(b) the police officer who arrested him believes that he arrested the wrong person;*

*(c) **after twenty-four hours after** the person was arrested, no formal charge has been laid against that person, unless the police officer in question reasonably believes that the offence suspected to have been committed is a serious one.*

Reading sections 7, 30 and 32 of the CPA, the defendant would have committed no wrong to arrested the plaintiff and admit him on bail within twenty-four hours. The first defendant committed intentional trespass after retaining or ordering the plaintiff to be retained for interview, for 9 days. There is no doubt that the first defendant ordered a police officer to take the plaintiff to police cells waiting to be interviewed. The plaintiff was suspected to commit the offence of inciting people to riot. It was not a serious offence. The plaintiff had a Constitution right to be considered innocent until proved guilty. The act of retaining him for nine days without bail was nothing but considering him (the plaintiff) guilty before trial.

The plaintiff's right to liberty was intentionally curtailed contrary to the above cited laws and Article 13(6)(b) of the Constitution of the United Republic of Tanzania, which stipulates that-

*"...ni marufuku kwa mtu aliyeshitakiwa kwa kosa la jinai kutendewa kama mtu mwenye kosa hilo mpaka itakapothibitika kuwa anayo hatia ya kutenda kosa hilo";*

*English translation-*

*"no person charged with a criminal offence shall be treated as guilty of the offence until proved guilty of that offence."*

I find no justification whatsoever for arresting and detaining the Plaintiff for nine days without granting him bail waiting to interview him. The act of retaining the plaintiff for nine days without bail after arrest, speaks loud that, the plaintiff was not arrested for good cause or pursuant to the law.

In addition, the fact that after the plaintiff was arrested and detained without bail no formal charge was laid is another evidence that the first defendant had no reason to detain him without bail. The first defendant had no any justification to cause the detention of the plaintiff without bail for nine days. He intentionally trespassed to the plaintiff. The act in confining the plaintiff was with the intention of causing a confinement.

I had a cursory review of the evidence against the third defendant. The plaintiff's evidence was that the third defendant lodged a complaint that the plaintiff had incited people to riot against the Regional Commissioner. The third defendant denied on oath to have lodged the

complaint or caused the Plaintiff's arrest. As pointed above, in civil cases he who alleged must prove. In the present case, the third defendant's like other defendants stated in the written statements of defence that he noted the facts under paragraph 12 of the Plaint. Para 12 of the Plaint contained the allegation that the third defendant reported the plaintiff to the police. I found that the plaintiff proved that the third defendant initiated the complaint against him.

I am alive of the fact that no action for civil proceedings may be initiated against a person who informed the police of commission or the intention of any person to commit the offence. See section 7 of the CPA, which stipulates that-

*7.-(1) Every person who is or becomes aware (a) of the commission of or the intention of any other person to commit any offence punishable under the Penal Code; or (b) of any sudden or unnatural death or death by violence or of any death under suspicious circumstances or of the body of any person being found dead without it being known how that person died, shall forthwith give information to a police officer or to a person in authority in the locality who shall convey the information to the officer in charge of the nearest police station.*

*(2) No criminal or civil proceedings shall be entertained by any court against any person for damages resulting from any information given by him in pursuance of subsection (1).*

Even though, the third defendant had a duty to report to police the commission of or intention to commit the offence, in the present case there was no offence committed or an intention to commit the offence. It was alleged that the plaintiff had committed the offence of incitement by drafting a letter on behalf of Christina Martin Qaimo (**Pw4**) to the President. Writing a letter to His Excellence the President did not amount to an offence. Thus, he cannot be covered by subsection (2) of section 7 of the **CPA**. Since the third defendant initiated the legal process which ended up in false imprisonment, he cannot escape blames. It was held in **Simon Chatanda v. Abdul Kisoma** [1973] LRT 11, cited by the plaintiff that-

*"Where a person sets the law in motion and causes another to be detained by the police, it is no defence to a suit for wrongful confinement to assert that the police thereby become responsible for the detention."*

I find that the third defendant who set the machinery into motion and the first defendant who having arrested the plaintiff detained him for nine days, **arrested and detained the plaintiff without any lawful and justifiable** cause.

***To what reliefs are parties entitled to?***

Before this court rest its case, parties' involvement, particularly the defendants, must be established.

To start with the 1<sup>st</sup> defendant, it is no doubt that Richard Mwaisemba was the one who called the plaintiff and directed him to report at Babati Police station, he informed the plaintiff that he was suspected to have committed the offence of incitement (instigating people to riot), he was the one who arrested the plaintiff, he was the one who ordered the plaintiff be kept in police custody. I find ample evidence that proves that the 1<sup>st</sup> defendant was fully responsible for the arrest and the restraint of the plaintiff, as PW1 and PW2 proved that it was 1<sup>st</sup> defendant's will to keep the plaintiff in police cells or otherwise, as it was narrated on what happened on 17.06.2020 where on his own reasons he intentionally frustrated the bail process.

The 1<sup>st</sup> defendant declined to mention who was behind the plaintiff's stalemate, by merely telling that the plaintiff was aware of the one who was behind but decided to sue him. This shows clearly that the 1<sup>st</sup> defendant was not willing to speak the truth, and this explains as to why they even did not wait for the finding of the "Tume" but decided to arrest the plaintiff and detain him unlawfully. His conducts were way beyond his constitutional mandate, his target for intention was to restrain the plaintiff. Thus, liable under his personal capacity.

As to the 3<sup>rd</sup> defendant it is obvious that he was the one who went to complain against the plaintiff, single handedly and under personal capacity

not as a DAS. He initiated the arrest and the detention of the plaintiff. In the case of **African Gem Mining Ltd vrs Andrew Natai**, Civil Appeal No. 16 of 2010, CA at Arusha (unreported), where the court was entangled with akin situation, on tort of false imprisonment, it had this to say:-

*"The appellant committed the tort of false imprisonment because he initiated the arrest and prosecution of the victim without a reasonable or probable cause."*

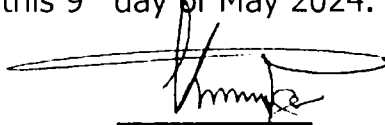
As to the 2<sup>nd</sup> accused, I see no involvement of the Government on this. There is no any law which suggest the encroachment to human liberties, nor was there anything that suggest that the government was involved in any how. No vicarious liability that can be extended to the 2<sup>nd</sup> defendant.

As to the assessment of general damages, I find refuge in the case of **African Gem Mining Ltd v. Andrew Natai** (supra) where the court assessed damages for false imprisonment to a tune of 50,000,000/= for it was not inordinately low or inordinately high. The purpose of damages in tort of false imprisonment is not to punish the defendants, rather to compensate the victim for loss of liberty. In the present case, the plaintiff was detained for nine days, surely, he suffered from physical and psychological or mental torture. He deserves to be compensated. He deserves to be compensated for that to the tune of Tzs. 10,000,000/=

In the circumstances, the 1<sup>st</sup> defendant is liable to pay damages to a tune of Tzs. 5,000,000/= to the plaintiff. The 3<sup>rd</sup> defendant is liable to pay Tzs 5,000,000/= to the plaintiff. Costs to follow the event.

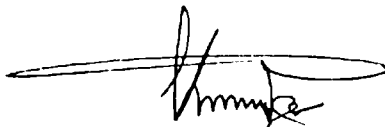
It is ordered accordingly.

**Dated** at Babati, this 9<sup>th</sup> day of May 2024.



**J.R. Kahyoza**  
**JUDGE**

**Court:** Judgment delivered in the presence of the Plaintiff and in the absence of the defendants. B/C Ms Fatina Haymale (RMA) present.



**J.R. Kahyoza**  
**JUDGE**  
**9/05/2024**