IN THE DISTRICT COURT OF SERENGETI DISTRICT

AT MUGUMU

ECONOMIC CASE NO. 11/2012

REPUBLIC

VERSUS

HAMIS RAMADHANI CHUMA

JUDGMENT OF THE COURT

24/09/2013 & 20/11/2013

BEFORE: KISWAGA F.S. (RM)

In this case the accused, **Hamisi s/o Ramadhani @ Chuma** is charged with unlawful possession of Government Trophies contrary to **section 86(1) and (2)(c) of the Wildlife Conservation Act No. 5 of 2009** read together with **paragraph 14(d) of the first schedule to and section 57(1), 60(2) of the Economic and Organized Crime Control Act [Cap 200 R.E. 2002].**

The particulars of the offence is that on 14th day of February, 2012 at about 20:30hrs at Mugumu Township within Serengeti District, Mara Region the accused was found in unlawful possession of one dry skin of cheetah valued Tshs. 2,850,000/= the property of Tanzania Government.

When the charge was read over to him pleaded not guilty. On preliminary hearing accused admitted his name and address and personal particulars; arrested by police at his home on 14/2/2012 at 20:30pm; charged in this court where he saw skin of cheetah being admitted by the court and admitted as exhibit and marked "exhibit P1". To prove their case prosecution called three witnesses Wilbrood Vicent (PW1), F.54 D/SSgt. Martino (PW2) and David Chasama (PW3).

Prosecution evidence can be summarized as follows: PW3 stated that on 14/2/2012 at 14:00pm while he was at mugumu town got information from somebody that Hamis Ramadhani possesses govt. trophies. He said that he decided therefore to go with such person and shown such house where he resides. He said he then went back to mugumu police station to report the matter. He said at 20:30pm in accompany of his co-park ranger John Kijazi

and other police officers including D/SSgt. Martino (PW2). They went up to that house. PW2 stated that on such date and time was assigned a job by OCCID to go at accused's home there is information that he owns govt. trophy. PW2 and PW3 gave similar evidence. They said that when reached to that house the accused resides in that house as a tenant and there are other tenants. They said when reached on that house they entered and introduced themselves. They informed the tenants that they want to go to the room of Hamis Ramadhani for search. They said that they were shown such room but the geographical position of that house accused heard them and also came out. PW1 and PW2 stated that they therefore arrested them. They said they then took him up to his room. They also took another tenant first to search them before they enter in the house and second they entered with her in the room while searching. PW1 and PW2 stated further that they were searched but nothing they were found having. They said that they then PW2, PW3, D/C Proches, accused and tenants entered into the room of the accused. They said that while searching inside the briefcase they found blue plastic bags and in such bag they found a dry skin of cheetah. They asked him if he has any permit he hadn't. PW2 said that he then took search order A/Insp. Daniel filled it. Also other witnesses Zakayo, Lucia and accused all of them signed. PW2 and PW3 stated further that they then took accused and that skin of cheetah to Mugumu Police Station where they opened police case file no. MUG/IR/453/2012. PW2 tendered search warrant as exhibit. The same was admitted as exhibit and marked "exh. P3".

PW1 was Wilbrood Vicent, Game Warden of Ikorongo/Grumet Game Reserve of four years experience. PW3 said that he possesses a Diploma in Wildlife Management that he obtained on 2002/2004 respectively at Mweka Wildlife College-Moshi. He said that on 15/02/2012 in the morning while was at forti Ikoma was telephoned by D/C Andrew to go at mugumu police station to identify and value the govt. trophies. He responded a call and went at mugumu police station. When reached there I met with D/C Andrew where in the presence of him and one suspect he identified a dry skin of cheetah. He valued it at Tshs. 2,850,000/=. PW3 said such suspect said to him called Hamis Ramadhani Chuma. PW3 said further that he then took certificate of govt. trophy filled his name, title, courses attended, govt. trophies he has identified and valued them, signed and stamped on behalf of the manager Ikorongo/Grumet Game Reserve. He said he then issued it and gave it to the investigator of the case. PW1 prayed to tender such exhibit and the same was admitted and marked "exhibit P2".

Accused Hamis Ramadhan Chuma on his defence testified alone without calling other witnesses. He said that he is a witchdoctor at mugumu. He said that on 14/2/2012 at 20:00pm while he was at his home somebody knocked the door. When he opened the door they were police officers. They beat him severely and took him to mugumu police station. He said that on 15/2/2012 he was taken to the interrogation room. He was he was shown a skin of cheetah, he denied to possess it. He further said on 17/2/2012 he was charged in this court. Accused denied being found at his home possessing govt. trophies.

There is no dispute in this case Police Officers and Park Rangers to go in the room of the accused and make a search on 14/2/2012. Also there is no dispute that PW1 was called at the police where he identified a dry skin of cheetah and valued it Tshs. 2,850,000/=. The issue here in this case is whether accused was found possessing a dry skin of cheetah. I don't have doubt on the evidence of PW2 and PW3. PW3 got information and he worked out where he informed OCCID and police officers and park rangers went at accused's home and found a dry skin of cheetah. Search warrant "exhibit P3" is an example that shows they made search and they found such govt. trophy at accused's home. I therefore without hesitation convict accused for the offence of unlawful possession of govt. trophies. Prosecutions have proved this case beyond shadow of doubt.

F. S. Kiswaga
RM
20/11/2013

PREVIOUS CONVICTIONS

PP: Your hon. we don't have previous conviction records in respect of the accused. Prays accused be punished according to the law.

F.S. Kiswaga – RM
20/11/2013

MITIGATIONS

Accused

Your hon. I don't have parents. Prays for court's mercy.

F.S. Kiswaga – RM
20/11/2013

SENTENCE

Accused shall pay a fine of Tshs. 300,000/= cash or serve 18 months in default.

F.S. Kiswaga – RM
20/11/2013

Right of Appeal to the High Court fully explained.

F.S. Kiswaga – RM
20/11/2013

I certify that this is a true copy of the original

Resident Magistrate
Serengeti