**Alinyo and another v Republic**

**Division:** Court of Appeal at Dar Es Salaam

**Date of judgment:** 27 November 1974

**Case Number:** 34/1974 (23/75)

**Before:** Spry Ag P, Law Ag V-P and Musoke JA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Tanzania – Patel, J

*[1] Appeal – Criminal – Only competent by person convicted – Appellate Jurisdiction Act* (*Cap.* 451), *s.*

8 (*T*).

*[2] Criminal Practice and Procedure – Property – Ownership of – Should be determined by civil and not criminal court.*

**Editor’s Summary**

The appellants applied by summons in a criminal case for the return of vehicles in the possession of the police. No order for forfeiture had been made by the trial judge.

On the dismissal of the application the appellants tried to appeal.

**Held –**

(i) An appeal in a criminal matter may only be brought by someone convicted;

( ii) disputes concerning the ownership of property should be litigated in a civil court.

Appeal struck out.

**No cases referred to in judgment**