**Mohamedi v Republic**

**Division:** High Court of Tanzania at Dar Es Salaam

**Date of judgment:** 10 August 1973

**Case Number:** 80/1972 (53/74)

**Before:** Biron J

**Sourced by:** LawAfrica

*[1] Criminal Practice and Procedure – Closing address – Right of an accused to make – Accused not*

*informed of right – Curable irregularity. – Criminal Procedure Code, s.* 208 (*T*).

*[2] Criminal Practice and Procedure – Witness – Defence witness not present – Trial court’s duty –*

*Criminal Procedure Code, s.* 206 (2).

*[3] Evidence – Criminal acts – Other than those charged – Bribes – Admissible to rebut defence of*

*innocent possession of money.*

**Editor’s Summary**

The appellant was convicted of obtaining a bribe. His defence had been that his receipt of the money was innocent, and evidence that he had solicited similar bribes was admitted. While on bail he failed to inform his witnesses of the renewed date of hearing with the result that they were not present. The magistrate considered whether they could give material evidence before refusing to adjourn the trial. The appellant who conducted his own defence did not make a final address to the court and was not informed of his right to do so. On appeal

**Held –**

(i) the failure of the witnesses to attend was the fault of the appellant, and it was not shown that they

could give material evidence;

( ii) the failure of the court to inform the appellant of his right to address the court was a curable

irregularity;

(iii) the evidence of similar acts was admissible to rebut the defence of innocent receipt of the money:

furthermore the evidence had not been relied on by the magistrate.

Appeal dismissed.

**No cases referred to in judgment**