**Republic v Jaffer**

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

**Date of judgment:** 13 March 1974

**Case Number:** 8/1973 (108/74)

**Before:** Mwakasendo J

**Sourced by:** LawAfrica

*[1] Exchange Control – Payment to non-resident – Permission – Goods over-invoiced – No permission*

*– Exchange Control Ordinance* (*Cap.* 294)*, s.* 5 (9) *and* 5*th Sch., Pt. II para.* 1 (1) (*T.*)*.*

**Editor’s Summary**

The accused who was a director of a company incorporated in Tanzania was charged with making payment to or for the credit of a non-resident without the permission of the Bank of Tanzania. The company had paid for two reconditioned caterpillars and the payment in question was duly authorised by the Bank of Tanzania. The court found that the two machines were grossly over-invoiced by the supplier firm. It was argued for the prosecution that the payment was therefore without the requisite permission of the Bank of Tanzania.

**Held –**

(i) as the machines were over-invoiced by the supplier firm, the payment for their importation was

without the permission of the Bank of Tanzania and was illegal;

( ii) although a director of the company, the accused was not concerned with the management of the

affairs of the company.

Accused acquitted.

**No cases referred to in judgment**