**Rwekanika v Binamungu**

**Division:** High Court of Tanzania at Mwanza

**Date of judgment:** 22 December 1973

**Case Number:** 21/1973 (107/74)

**Before:** Mfalila J

**Sourced by:** LawAfrica

*[1] Defamation – Privilege – Qualified – Report of crime – Report to police privileged.*

**Editor’s Summary**

The respondent sued the appellants for slander. The slander complained of was a report to the police that the respondent had stolen their building poles. The court found that the appellants had a right to some of the poles.

**Held –**

(i) action for slander in this case would lie without proof of special damage;

( ii) information given to the police in order to detect crime is privileged;

(iii) no malice was shown.

Appeal allowed.

**Cases referred to Judgment:**

(1) *Clarke v. Molyneux* (1877), 3 Q.B.D. 237.

(2) *Scott v. Sampson* (1882), 8 Q.B.D. 491; [1881 – 5] All E.R. Rep. 628.

(3) *Chimala Stores v. Zambia-Tanzania Road Services*, H.C.C.C. 15 of 1969, Dar es Salaam