

<p>CRIMINAL APPEAL NO 138 OF 2003 – COURT OF APPEAL OF TANZANIA AT DAR ES SALAAM NSEKELA, J.A, MSOFFE, J.A AND KIMARO, J.A</p>	<p>The Director of Public Presecution Vs. John Abdul mwarabu (Appeal from conviction of High Court of Tanzania at Mtwara (kaganda, J)</p>	<p>1. the general principle in criminal trial in that, all that an accused need do is raise reasonable doubt as to his guilt. (See georges, C.J (as then was in Fanuel Kiula Vs Republic (1967) HCD 369)</p> <p>2. Where there is medical evidence to show that a person died of natural causes the prosecution has a duty to prove otherwise as discussed in Leonard Mpoma Vs. R (1998) TLR 58</p>
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**IN THE COURT OF APPEAL OF TANZANIA
AT DAR ES SALAAM**

(CORAM: NSEKELA, J. A., MSOFFE, J. A., AND KIMARO, J. A.)

CRIMINAL APPEAL NO. 138 OF 2003

THE DIRECTOR OF PUBLIC PROSECUTIONS.....APPELLANT

VERSUS

JOHN ABDUL MWARABU.....RESPONDENT

**(Appeal from the conviction of the High Court
of Tanzania at Mtwara)**

(Kaganda, J.)

**Dated the 17th day of October, 2003
in**

Criminal Sessions Case No. 34 of 2002

In Court this 27th day of March, 2007

Before:- The Honourable Mr. Justice, H. R. Nsekela, Justice of Appeal
The Honourable Mr. Justice, J. H. Msoffe, Justice of Appeal
And: - The Honourable Mr. Justice, N. P. Kimaro, Justice of Appeal

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THIS APPEAL coming for hearing on the 9th day of March, 2007 in the presence of the respondent AND UNPON HEARING Mr. P. Ntwina, State Attorney for the Appellant/ the D. P. P. and Mr.H. H. H. Nyange, Counsel for the Respondent when the appeal was stood over for judgment and this appeal coming for judgment this day:-

IT IS ORDERED that the appeal be and is hereby dismissed.

Dated this 27th day of March, 2007.

Extracted on the 27th day of March, 2007.

S. M. RUMANYIKA
DEPUTY REGISTRAR
COURT OF APPEAL