IN THE DISTRICT COURT OF ILALA
AT SAMORA AVENUE/KINYEREZI
DAR ES SALAAM

CRIMINAL APPEAL NO. 59 OF 2019

TITUS BERNARD ……
APPELLANT
VERSUS
NASIB FUSSI ……
…….RESPONDENT

WRITTEN SUBMISSION BY THE RESPONDENT IN REPLY TO THE APPELLANT WRITTEN SUBMISSION.

As it may please your honor,
We have gone through the Appellant's written submission in chief and wish to state as follows:-

On the first ground of Appeal that the Honourable Trial Court, grossly erred in law and fact in failure to accord any weight the evidence adducced by the Appellant which established conclusively that the Appellant had no any intent to defraud the Respondent.

The trial court was very right to accord weight of the evidence adduced by the appellant because at first place he agreed that there was a contract between the appellant and respondent whereby the respondent hired appellant for repair works and advanced him for purchases of the electrical supplies and ceiling board materials.

He received the money and never did a job and ran away until the respondent apprehended SU2 Maiko Francis and appellant's wife. The disappearance justifies that he had an intent to defraud the respondent……

Your honor,

On the second ground of appeal that the Trial Court grossly erred in law and fact in convicting the Appellant without the Respondent

proving his case beyond reasonable doubt as required by the law relating to criminal matters as basing to the circumstances of the case the matter was more civil in nature than criminal one.

The trial magistrate was right in law and fact in convicting the appellant because respondent proved his case beyond reasonable doubt as required by the law relating to criminal matters. During proceeding of the case the appellant agreed he received the money from the respondent and he never said as to why he had never bought a single item in question.

Your honor,

That the trial court grossly erred in law and fact in ordering the Appellant to refund to the Respondent a sum of T. Shs. 300,000/- where there was no any documentary evidence proving the appellant to receive the alleged money from Respondent.

DATED at Dar es Salaam this 9th day of November, 2015.

.....
Advocate for the Plaintiff

Presented for filing this ..... day of ..... 2015.

.....
Registry Officer

Drawn and Filed by:

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