



THE JUDICIARY OF TANZANIA

IN THE RESIDENT MAGISTRATE COURT OF MOSHI AT MOSHI

CRIMINAL APPLICATION NO. 000030237 OF 2025

THADEY SABINUS KWEKA COMPLAINANT / APPELLANT / APPLICANT

VERSUS

THADEY SABINUS KWEKA RESPONDENT / DEFENDANT

ORDER

MHENGHA, PRM

RULING:

This ruling is in respect of the application brought by applicant (DPP) under section under urgency under section 32 (3), and 4, 36 and 38 of the Cyber Crimes Act, CAP 443 R.E 2023 seeking for an order that this honourable court be pleased to grant law enforcement officers access to the to a specific electronic device, namely a Samsung Galaxy S23 Ultra with IMEI No. 358835961397210, belonging to the respondent for the purpose of obtaining data to assist in the investigation by law enforcement officers while awaiting to bring the suspect to court.

The application is supported with an affidavit of Abichi Masanga -ACP, the Regional Crime Officer (RCO) for and on behalf of the applicant together with other grounds.



The hearing of the application proceeded ex parte orally and Mr. John Mgave learned State Attorney fended the application.

This court has carefully considered the submissions of the learned state attorney and the supporting affidavit. The primary issue for determination is whether there are sufficient grounds to compel access to the respondent's mobile device for investigative purposes.

Under section 32 of the Cyber Crimes Act, this court is vested with the authority to grant orders for the disclosure of data or computer systems where there are reasonable grounds to believe it is necessary for a criminal investigation. The applicant has clearly demonstrated that the device is a central piece of investigation and that the respondent's refusal to provide access necessitates judicial intervention to ensure justice is done. The applicant also established a clear nexus between the device and the alleged offense of publication of false information and that the investigation is currently stalled due to the respondent's refusal to provide password of the said mobile phone.

While the court is mindful of the right to privacy, this right is not absolute and may be limited by law in the interest of public safety and the investigation of crimes. The provisions of the Cyber Crimes Act specifically empower the court to assist law enforcement officers in overcoming technical barriers to evidence gathering.

That being the case and for the reasons stated herein, I am satisfied that the reasons advanced by the applicant are sufficient to warrant the grant of the



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Mrs.. HERIETH MHENGA



application.

I thus grant the application as prayed and orders the following;

1. Law enforcement officers are granted access to the Samsung Galaxy S23 Ultra (IMEI No. 358835961397210) for the purpose of obtaining data related to the investigation of the publication of false information.
2. The respondent, Thadey Sabinus Kweka, is hereby ordered to provide the necessary security passwords or credentials for the said device to the Law enforcement officers.
3. The data obtained shall be used strictly for the purpose of the ongoing investigation as detailed in File No. MOS/IR/3713/2025.

It is so ordered.

H.G. MHENGA- PRM

31/12/2025

Dated at COURT OF MOSHI AT MOSHI this 31st of December 2025 .

A handwritten signature in black ink, appearing to be 'H. Mhenga', written over a horizontal line.

H. MHENGA

PRINCIPAL RESIDENT MAGISTRATE

IN THE RESIDENT MAGISTRATE'S COURT OF MOSHI
AT MOSHI

MISC. CRIMINAL APPLICATION NO.....OF 2025

BETWEEN

REPUBLIC.....APPLICANT

AND

THADEY SABINUS KWEKA.....RESPONDENT

CHAMBER SUMMONS

*(Made under Section 32(3) and (4), 36 and 38 of the Cyber Crimes Act, Chapter 443
R.E 2023)*

Let the party concerned appear an ex-parte before Honorable Resident Magistrate sitting in chamber on day of 2025 in the morning or soon thereafter for the Applicant to be heard ex-parte on the following prayers; -

EX-PARTE:

1. *That this Honourable Court be pleased to grant access to the SAMSUNG GALAXY S23 ULTRA with IMEI no. 358835961397210, all belonging to the Respondent, for the purpose of obtaining data to assist in the investigation by law enforcement officers while waiting to bring the suspect to court.*
2. *Any other relief as this honorable Court may deem fit or just to grant under the circumstances.*

This application has taken at the instance of Director of Public Prosecution and shall be supported by the affidavit of **ACP. ABICHI MASANGA** in charge of the Regional Criminal Investigation Office at Kilimanjaro Region together with any other grounds that may be adduced at the time of the hearing of this Application

Given under my **HAND** and the **SEAL** of the Court this...³¹ day of...¹² 2025.

.....
RESIDENT MAGISTRATE

IN THE RESIDENT MAGISTRATE'S COURT OF MOSHI
AT MOSHI

MISC. CRIMINAL APPLICATION NO.....OF 2025

BETWEEN

REPUBLIC.....APPLICANT

AND

THADEY SABINUS KWEKA.....RESPONDENT

AFFIDAVIT

I, **ACP. ABICHI MASANGA**, an adult, male, Christian, and resident of Kilimanjaro, DO
HEREBY SWEAR and SOLEMNLY STATE as follows:

1. That I am a Police Officer with the rank of Assistant Commissioner of Police (ACP) working with the Criminal Investigation Department, Kilimanjaro, as Regional Crime Officer.
2. That, by virtue of my position, I am in charge of the Regional Criminal Investigation Office at Kilimanjaro Region and duly mandated to handle investigations of all criminal cases arising in Kilimanjaro region, hence I am well conversant with the facts I am about to depose hereunder.
3. That the Respondent is also a suspect yet to be brought before this honorable Court on allegations of **publication of false information**, which is under investigation file registered No. MOS/IR/3713/2025.
4. That the Respondent was arrested for the **publication of false information** through what sup groups using his mobile phone.
5. That the initial investigation has revealed that the said false information are contained in the Respondent's whats up groups, and were published by the



Respondent through his mobile phones, namely: **SAMSUNG GALAXY S23 ULTRA** with IMEI no. **358835961397210**.

6. That the Respondent's mobile phones were seized and the enforcement officers could not access any information from them due to the missing of the security password which is under possession of the Respondent.
7. That the Respondent denied to disclose security passwords of the **SAMSUNG GALAXY S23 ULTRA** with IMEI no. **358835961397210** to Law Enforcement Officers to frustrate the ongoing investigation.

