

IN THE HIGH COURT OF TANZANIA

(MWANZA REGISTRY)

AT MWANZA

CRIMINAL SESSIONS CASE NO. 126 OF 2019

THE REPUBLICPROSECUTOR

VERSUS

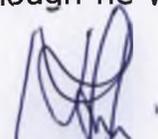
MAGAI S/O DICKSON..... ACCUSED

SENTENCING

The accused person stood charged with the offence of Manslaughter contrary to section 195 and 198 of the Penal Code Cap 16 [R.E 2019] and has pleaded guilty to the offence and so has been convicted on his own plea. The maximum sentence for the offence of Manslaughter is life imprisonment. The circumstances of this case do not warrant the accused to be sentenced to the maximum sentence.

It is a principle of law that in sentencing the accused person there are some factors which the court need to consider including but not limited to readiness of the accused to plead guilty to the offence and convicted on his own plea, previous criminal records, the time spent by the accused in remand pending trial, the age of the accused and his health status.

In our case at hand the accused pleaded guilty and is a first offender following the lack of previous criminal record, he had reported the matter to the village executive officer soon after the incidence though he was not sure



that he had caused the death of the deceased, he has stayed in remand for three years now for which this court believes that he had learnt a lesson.

The defence counsel invited me also to consider exhibit P1 and Exhibit P2 which shows the circumstances in which the death of the deceased occurred, that the accused was invaded by unknown person, it was at night and he was on the way of defending himself from the attack of the deceased.

The prosecution side invited me to consider severe punishment to the accused so as to serve as a lesson to other people who have the behaviour like that of the accused because, the accused was very aware that the deceased was his fellow fisherman from a different company.

Eventually, having taken into consideration the aggravating and mitigating factors, much as what the accused did was a prohibited act, I believe that he is remorseful and he had learnt a lesson. I therefore sentence him to one (1) year imprisonment believing that he shall become good standing citizen to the society and take care of his families.




Sgd. M. Mnyukwa
Judge
29/09/2021

Right of appeal against sentence explained and guaranteed.


Sgd. M. Mnyukwa
Judge
29/09/2021