

**IN THE HIGH COURT OF TANZANIA**

**(MWANZA REGISTRY)**

**AT MWANZA**

**CRIMINAL SESSIONS CASE NO. 61 OF 2019**

**THE REPUBLIC .....PROSECUTOR**

**VERSUS**

**JARADO S/O MAFURU..... ACCUSED**

**SENTENCING**

The accused person stood charged and convicted for the offence of Manslaughter contrary to section 195 and 198 of the Penal Code Cap. 16 [R.E 2019]. It is undisputed that the accused is the first offender and he pleaded guilty to the charge of Manslaughter. To this he deserved a lenient sentence. The offence in which the accused had been convicted with, its maximum sentence is life imprisonment. The circumstances of this case do not warrant a maximum sentence or a lower sentence but a medium sentence. This is due to the fact that there was non fatal single blow that caused death after sometimes. The sentencing range start from 4 years to 10 years.

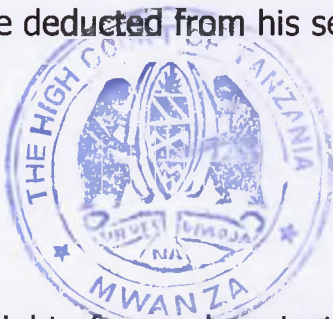
The prosecution has invited me to impose the sentence because the accused had committed the offence. The prosecution when narrating facts stated that, the accused wounded the deceased for the reason that he was making noise. In mitigating factors, the defence counsel submitted that the circumstances in



which the offence is committed shows that there was provocation because the deceased told the accused that "wewe hunitishi" and that the above words are provocative words which prompted the accused to wound the deceased. This court not find those words to be provocative to the accused person to the extent that he can rely on the defence of provocation.

It was also advanced in the accused's mitigation that the accused has spent almost 3 years into remand, that is from 20/12/2018 up to now. The accused did not use gun to wound the accused person though he was in possession of it. This shows that the accused did not intend to cause death to the accused but the non-fatal single blow caused death of the accused after 3 days.

Lastly, I have considered the fact that the accused is married to two wives and is a father of ten children whom they depends on him. Having taken the above into consideration, I sentence the accused Jarado s/o Mafuru to four (4) years imprisonment. The period in which the accused has been in custody has to be deducted from his sentence.



  
**Sgd. M. Mnyukwa**  
**Judge**  
**23/09/2021**

Right of appeal against sentence explained and guaranteed.

  
**Sgd. M. Mnyukwa**  
**Judge**  
**23/09/2021**