

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(IN THE SUB-REGISTRY OF MWANZA)**

**ORIGINAL JURISDICTION**

**AT MWANZA**

**CRIMINAL SESSION CASE NO. 143 OF 2022**

**THE REPUBLIC**

**VERSUS**

**PETRO S/O YUSUPH @ KAGOMA**

**ORDER/SENTENCE**

I have keenly heard and considered the submissions by learned counsel for the parties. The following facts are undisputed.

One, the accused is a first offender.

Two, he has pleaded guilty to the charge offence hence not only showing contrition to the offence but his pleading guilty has saved both court's time and public expense.

Three, the accused, after the deceased fell down, he was involved in taking him to the hospital.

Four, the homicide occurred, to some extent, when the accused was trying to apprehend a criminal and attempting to bring him to justice-taking the deceased from his home to the village office.

These factors attract leniency on part of the accused. However, as rightly pointed out by the learned State Attorney, the accused a leader as he was, had no reason to act so highhandedly particularly where the law is clear that there are clear procedures stipulating how to deal with the culprits and this, the accused being a leader, was aware of.


The law prescribing a sentence for such an offence is clear. Section 198 of the Penal Code provides that any person who commits manslaughter is liable to imprisonment for life.

In sentencing the accused I have taken into account not only what learned counsel have submitted but the penal section describing the sentence.

Besides, I have considered the following factors; namely, the gravity of the offence, the degree of the accused's degree of responsibility and the circumstances leading to the commission of the offence.

With those factors in mind, I sentence the accused to three (3) years term of imprisonment.



  
W.P. Dyansobera  
**Judge**  
**27.10.2022**