

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE SUB-REGISTRY OF MWANZA)

ORIGINAL JURISDICTION

AT MWANZA

CRIMINAL SESSION CASE NO. 27 OF 2021

THE REPUBLIC

VERSUS

- 1. NKANDA S/O HATARI @ DEUS HATARI**
- 2. JUMA S/O MASHIKU**

ORDER/SENTENCE

19TH OCTOBER, 2021

DYANSOBERA, J


According to the facts as revealed by the prosecution and the defence, both accused persons are first offenders. They have readily pleaded guilty to a lesser offence of manslaughter hence, as rightly submitted by learned defence advocates, signifying that they are contrite to the offence. Undeniably, their pleading guilty has saved both time and expense. The accused persons have stayed in remand custody for two years and I have no doubt that they have learnt something. Those factors attract leniency in their favour. Nevertheless, as pointed out by the learned State Attorney for the Republic, the accused, in assaulting the deceased, used not only an oar – kasia but also a plank with nails, which

to a large extent, was a lethal weapon. The accused committed the offence of homicide in carrying out a criminal act of robbery.

Besides, the accused's act of dumping the deceased and leaving him helplessly was an inhuman conduct that cannot be accepted and tolerated by any civilized society. In view of those aggravating and mitigating factors, the court has to strike a balance on the proper sentence to award to the accused.

According to section 198 of the Penal Code, the prescribed sentence is imprisonment for life. Taking into account the gravity of the offence, the accused persons' degrees of responsibility and the overall circumstances of the case, I sentence each accused to ten (10) years term of imprisonment.




W.P. Dyansobera
Judge
19.10.2022