

IN THE COURT OF APPEAL OF TANZANIA

AT DAR ES SALAAM

(CORAM: Mustafa, J.A., Makame, J.A. & Kisanga, J.A.)

CRIMINAL APPEAL NO. 26 OF 1981

B E T W E E N

MICHAEL CHRISTOPHER . . . . . APPELLANT

A N D

THE REPUBLIC . . . . . RESPONDENT

(Appeal from the conviction and sentence  
of the High Court of Tanzania at Moshi)  
(Maganga, J.) dated the 31st day of March, 1981,

in

Criminal Sessions Case No. 9 of 1980

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REASONS FOR JUDGMENT

MUSTAFA, J.A.:

We heard the appeal of the appellant against his conviction for murder on 6th August, 1981, and dismissed it. We now give our reasons.

The appellant was married to P.W.3 Priskila in or about 1967. They lived together for a number of years but in 1979 P.W.3 quarreled with and left the appellant and went back to her parents in May 1979. There were children of the marriage, three of whom were alleged to have been killed by the appellant and for which he was charged and convicted of murder.

It would seem that P.W.3 left the appellant because he had become senile and P.W.3 was suspected by the appellant to be having a love affair with a ten-cell leader named Tumbo. The appellant's attempts to reconcile with P.W.3 failed. After P.W.3 had left him he brooded over the affair. Some time in July 1979 he cut the three children to death with a panga. He then attempted to kill himself but failed.

He was sent to a psychiatric hospital for examination, and the doctor concluded that he was not suffering from any disease of the mind. The appellant alleged that he did not know what he was doing or that he was bewitched into killing.

The trial judge considered the evidence and was satisfied that the appellant had killed with malice aforethought and convicted him of murder and sentenced him to death.

We are of the view that the trial judge came to the right conclusion and we therefore dismissed the appellant's appeal.

DATED at DAR ES SALAAM this 8th day of August, 1981.

A. MUSTAFA  
JUSTICE OF APPEAL

L. M. MAKAME  
JUSTICE OF APPEAL

R. H. KISANGA  
JUSTICE OF APPEAL

I certify that this is a true copy of the original.

  
( J. L. MWALUSANYA )

SENIOR DEPUTY REGISTRAR