

IN THE HIGH COURT OF TANZANIA

AT MOROGORO

CRIMINAL SESSIONS CASE NO.32 OF 2004

THE REPUBLIC

Versus

LAURENT BATHOLOMEO

9.6.2004

Coram: Shangwa, J.

For the Republic: Mr. John Mapinduzi, S.A.

For Defence: Mr. Alex Sekalumba, Advocate

Accused: Present under custody

c.c.: Alpha Maganga

Information is read over and explained to the accused person in Kiswahili and he is required to plead thereto:

Accused: It is true. I killed the deceased unlawfully.

Court: Entered as a plea of guilty.


A. Shangwa, J.

9.6.2004

F A C T S

Mr. John Mapinduzi, S.A. for the Republic:-

My Lord, the facts of this case are that the accused Laurent Batholomeo stands charged with the offence of Manslaughter c/s 195 of the Penal Code. He killed his ex-wife one Mwanahawa d/o Nassoro on 22nd February, 2002 at Tende Village in the District and Region of Morogoro.

On the date of the incident, the accused and his friend Costa were drinking beer. They were drinking beer from the Pombe club. While doing so, Costa saw the deceased with two men passing outside. He informed the accused who left the pombe club and followed the deceased. He found her talking with those men. He asked her to tell him whom those men were. They started exchanging bitter words towards each other. A fight ensued between the two. The accused took a knife and stabbed her on the stomach with it and thereafter he ran away.


The deceased was assisted by one Omary Daudi and Baya Maulid who took her to Morogoro Regional Hospital from where she died on 23rd February, 2002 due to stab wound.

The accused surrendered himself to the Police Station. He was later charged with this offence in Morogoro District Court from where he was committed for trial by this Court. That is all.

Court: Are the facts correct and do you agree to them?

Accused: The facts are correct and I agree to them.

Court: I convict the accused of the offence of Manslaughter c/s 195 of the Penal Code, I do so on his own plea of guilty.


A. Shangwa, J.

9.6.2004

Mr. John Mapinduzi, S.A.:— The accused has no previous conviction.

MITIGATION

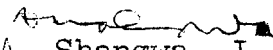
Mr. Alex Sekalumba for the Accused: -

My Lord, I pray the Court to take into consideration the following facts in sentencing the accused:-

1. That the accused is a first offender.
2. That the accused has pleaded guilty to the offence charged.
3. That the accused has been in remand for about two years since he surrendered himself to the Police.
4. That the accused has two children who are depending on him together with his mother who is old.
5. That the deceased used bad language to the accused.
6. That the accused surrendered himself to the Police in repentance of what he had done.

SENTENCE

Although the accused is a first offender ^{and} has pleaded guilty to the charge and been in remand for about two years and so forth, his act of having caused death to the deceased who was his ex-wife through stabbing her with a knife in the stomach deserves some severe punishment. For this reason, I sentence him to fifteen years imprisonment.


A. Shangwa, J.

9.6.2004