

IN THE HIGH COURT OF TANZANIA

AT NJOMBE

ORIGINAL JURISDICTION

(Iringa Registry)

CRIMINAL SESSION CASE NO. 79 OF 2006

THE REPUBLIC

VERSUS

RONIKA KONZO

Date : 4th December, 2007
Coram : F. M. Werema, J.
Ms. Mango : State Attorney for the Republic.
Mr. Onesmo Francis : Counsel for the Accused.
Accused Person : Ronika Konzo – is Present under
custody.
Interpreter : Mr. Didas A. Milala – English into
Kiswahili and vice versa.

Notice of trial Information for Manslaughter contrary to section 195 of the Penal Code was duly served on the accused, now before the court on 4th December, 2007.

Information is read over and explained to the accused in her own language and she is required to plead thereto:-

Plea: It is not true.

Court: Entered as a plea of "**NOT GUILTY**" to the charge.

Sgd: F. M. Werema

JUDGE

4/12/2007

PROCEEDINGS

Mr. Onesmo: My Lord, the Defence is offering a plea of guilty if the Republic has no objection.

Sgd: F. M. Werema

JUDGE

3/12/2007

Ms. Mango, State Attorney: The Republic has no objection.

Ms. Mango, State Attorney: The facts are as we have filed them. The facts are read in Kiswahili a language familiar to the accused.

The body of the deceased was subjected to a Medical Examination and a Post-mortem Report was issued. We pray to tender it.

Mr. Onesmo, Advocate: No objection.

Court: PER admitted as Exh. P.1.

Ms. Mango, State Attorney-continues: The accused was arrested and confessed. A cautioned statement was recorded. We pray to tender it together with extra-judicial statement.

Mr. Onesmo, Advocate:- No objection.

Sgd: F. M. Werema

JUDGE

4/12/2007

Court: Cautioned statement and Extra-Judicial statement collectively admitted as Exh. P.2.

Sgd: F. M. Werema

JUDGE

4/12/2007

Ms. Mango, State Attorney: Continues: The accused was charged with the offence of Manslaughter c/s 195 of the Penal Code.

Accused: The facts are true.

CONVICTION

Upon unequivocal admission of the facts read to her by the Learned State Attorney, the facts disclosing the offence of

Manslaughter c/s 195 of the Penal Code, the accused is convicted as charged.

Sgd: F. M. Werema

JUDGE

4/12/2007

Ms. Mango, State Attorney: The Republic has no previous criminal record for the accused.

Sgd: F. M. Werema

JUDGE

4/12/2007

MITIGATION

Mr. Onesmo, Advocate: My Lord, I pray that the court consider the following in meting out punishment:

- (a) The accused is a first offender;
- (b) The deceased is the author of his death. The conduct of the accused shows that she was obedient to her husband. She went to work on a holiday. The deceased was drunk and demanded food;

- (c) The deceased had prepared a club which he wanted to hit the deceased with;
- (d) The accused convinced the deceased to go to hospital but the later refused on the basis that such an action will cause problem to the accused, his wife.
- (e) The accused has been in custody for 2 years and 9 months;
- (f) The accused has two issues aged 15 years and 12 years and are attending primary school who are staying with the accused's friend;

On the basis of these reasons, I pray the court to be lenient in giving the punishment.

Sgd: F. M. Werema

JUDGE

4/12/2007

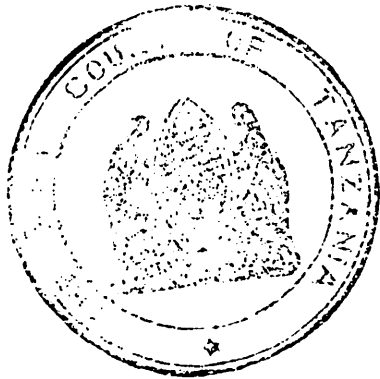
SENTENCE

The accused is a female offender aged 47 years. The deceased was her husband. This is yet an expression of domestic violence leading to death of a spouse. The facts are clear. That the deceased contributed to his death by his abusive conduct. That said, it is also true that the accused used excessive force to hit her husband. A hit which led to

the fracture of the skull of the deceased. That was not necessary as the deceased was drunk. One wonders whether the bond of marriage which is normally expressed with love and care ever existed between the couple. This is unfortunate. It cannot be amended except by punishing the offender.

I have considered all facts and the fact that the accused has been in custody for 2 years and 9 months. That term is not enough for an offence of this magnitude. But in the circumstances of this case, it is a term that mitigates the appropriate sentence.

I therefore sentence the accused to a sentence that will result to her discharge subject to the condition that she shall not commit any offence for a period of 12 months effective today. It is so ordered.



F. M. Werema
F. M. Werema
JUDGE
4/12/2007