

**IN THE HIGH COURT OF TANZANIA  
(DAR ES SLAAM DISTRICT REGISTRY)  
AT DAR ES SALAAM  
CRIMINAL JURISDICTION  
CRIMINAL SESSION CASE NO. 70 OF 2018**

**REPUBLIC**

***VERSUS***

**BASIL KAMUGISHA**

*Date of last Order: 19/03/2019*

*Date of the Ruling: 06/02/2020*

**J U D G M E N T**

**MGONYA, J.**

I have carefully gone through the record of this case and especially the Accused person cautioned statement and other expected witnesses to this matter.

Sincerely, I have encountered difficulty of holding straight responsible the Accused to this sad and unfortunate incident that caused the death of deceased one **ANNA JOSEPH @ HADIJA ALLY.**

The statements leaves no doubt that the accused herein is the one who was driving a car in that particular date and time

of which the accused fell down from the same, the incident which occasioned her death.

However, I have failed to come across any convincing circumstances even a slight evidence that it was the accused who pushed the deceased from the car in which thereafter she met her creator.

Further, under those circumstances; in sentencing the accused for the offence of Manslaughter, I am of the view that, the three years he spent in remand prison are enough for him under the circumstances.

Further, upon all the mitigating factors from the accused person; and his respected counsel, I have decided to sentence him **one year (1) suspended sentence on condition that he shall not breach or commit any offence of this nature within that period.**

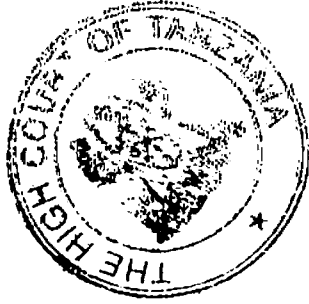
Otherwise, I proceed to **set the accused at liberty,** and **order his immediate release from remand prison upon certifying the conditional discharge.**

It is so ordered.



  
**L. E. MGONYA**  
**JUDGE**  
**06/02/2020**

**Court:** Judgment delivered in the presence of Ms. Mkunde Mshanga, Senior State Attorney, Ms. Ndyetabura, for the Republic, Mr. Stanslaus Ishengoma, Advocate, the Accused in person and Ms. Vero Bench Clarke in open court today 06<sup>th</sup> February, 2020.



A handwritten signature in black ink, appearing to read "L. E. Mgonya", is written above the printed name.

**L. E. MGONYA**

**JUDGE**

**06/02/2020**