

**THE UNITED REPUBLIC OF TANZANIA
JUDICIARY**

**IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MTWARA)**

AT LINDI

ORIGINAL JURISDICTION

CRIMINAL SESSIONS CASE NO. 27 OF 2018

REPUBLIC

VERSUS

ABDALLAH BAKARI MKWINDA

JUDGEMENT

Hearing date on: 20/3/2020

Judgement date on: 30/3/2020

NGWEMBE, J:

In the midnight of 11th February, 2018 at Lijumba hamlet of Mandawa Village in Ruangwa District within Lindi Region, **Asia Abdallah Sumla** was murdered. Early in the morning of the same day, she was found about twelve (12) steps from her house lying dead, while bleeding profusely in three deep cut wounds. According to the Post Mortem Report, the source

of death was due to acute blood loss and slaughtering that separated the body and her head. **Abdallah Bakari Mkwinda** is alleged to be the source of death of the deceased **Asia Abdallah Sumla**, thus, stand charged for Murder contrary to section 196 and 197 of the Penal Code Cap 16 R. E 2002. The later provision, was however, not cited in the charge sheet. The omission is not fatal, though relevant to guide the court on the enabling punitive provision in case the accused is found guilty and subsequently convicted. The charge sheet would otherwise be incomplete without citing the provision under which, punishment may be sourced in the event of conviction. The omission however, is curable under section 388 of Criminal Procedure Act Cap 20 R.E. 2002. I take it to be a pure slip of a pen or accidental omission. In view of the compulsiveness of the law with regard to the sentence of the proven offender to the charge of murder, citation of section 197 of the Penal Code is inevitable.

When the information was read over to the accused person, he pleaded not guilty, hence the prosecution lined up four (4) witnesses to establish and prove a case of murder against the accused. Out of four (4) witnesses, the prosecution managed to establish a prima facie case of murder against the accused person. Those prosecution witnesses are; Swaum Issa Bushiri; Dr. Alex Petro Mwambe; Ismail Issa Chitutuli; and Abdallah Mhadin Mahenge (PW1- PW4 respectively), and unopposed the prosecution tendered two exhibits in court during Plea and Preliminary Hearing, namely; Sketch map and Post Mortem Report, that are admitted in court and collectively marked exhibit P1.

I find imperative to give a brief summary of what happened on a fateful night prior to recap of the evidences adduced in court. That on the fateful night, the deceased and her two children, Swaum d/o Issa Bushiri and Juma Issa Bushiri, were sleeping in one room, but different beds in a house/hut built and owned by the deceased in her farm land at Lijumba hamlet within Mandawa Village. Also she had a house at Mandawa village. That during rain season, she used to stay at Lijumba house/hut for cultivation of her farm land. The two houses (Lijumba and Mandawa), she inherited from her late husband Issa Bushiri. After death of Issa Bushiri, she came across the accused, subsequently fall in love, finally the two were married. Upon being married, the accused shifted from his house at Nakahwili to his new wife's house at Mandawa. The two had two separate farm lands, one at Nakahwili found by the accused and Lijumba owned by the deceased through inheritance from her first husband Issa Bushiri. However, in their marriage they were not blessed by an issue, but the accused was blessed with five children to his divorcee wife and the deceased had three children including Swaum Issa Bushiri and Juma Issa Bushiri fathered by the late Issa Bushiri.

The prosecution case commenced by the evidence of the deceased daughter, **Swamu^d/o Issa Bushiri**, aged 15 years old, muslim in faith affirmed and testified that, in the early morning of 11/2/2018 being the first person to walk out of their house/hut, she saw the body of her mother lying necked outside. Upon demise of her mother, currently she is living at Nanjilinji village in Lindi Region. She testified boldly that her mother Asia

Abdallah Sumla died on 11/2/2018, while her father Issa Bushiri also died long time ago.

That she knew Abdallah Bakari Mkwinda as her step father who identified him in court. That the accused married her mother Asia Abdallah Sumla. She did not witness the marriage ceremony of the two, but was introduced that the accused is her stepfather about four years ago.

On the fateful night (11/2/2018), she slept in a house/hut at Lijumba, together with her mother and young brother Juma Issa Bushiri. The description of that hut was built by Polls of bamboo trees and roofed with grass. She testified further, that they slept in one room, but different beds. In the room they had solar bulb providing bright light in and out of the hut, since the hut at one side had polls without being covered with mud soil or cement. Thus, justified the light inside also lightened out side.

She testified that, at the midnight around 3:00 hours, a step father, the accused, came from Nakahwili to Lijumba. Upon his arrival he opened the door and called her mother outside of that house. The two were outside, while PW1 and her young brother were in side the said house/hut. While the two were still out side, she heard conflict and she went out for natural call. That is when she saw her stepfather standing on one side and her mother standing close to the door, but both were close to each other about two the three steps between them. She greeted her stepfather who harmoniously responded.

When her mother went out after being called by the accused, she took a torch made in China, lighting both sides. The said torch was put between the accused and the deceased. She elaborated further, that the light was bright enough to identify any one nearby. Thereafter, she went for a short call and came back to where her mother was, but the accused told her to go to sleep, which she obeyed and went to sleep.

On the dressing of the accused on that night, dressed with black T-shirt and blue trouser and had a (boot) shoes in his feet, while her mother was dressed with a dark trouser and white "kanga" attached to her breast.

That she could remember to have heard conflict between her mother and the accused arising from her mother's refusal to cultivate the accused's farm at Nakahwili area. Following that response, the accused, said, "*I will decide what to do*".

The same conflict arose when she was with her mother at Mandawa before they went to Lijumba farm land. She insisted that the step father was living and farming at Nakahwili, while her mother was farming at Lijumba.

That she did not witness any fight during that midnight, because she obeyed the order to go to sleep, not knowing exactly what happened outside between the deceased and the accused.

Moreover, she testified that early in the morning her young brother Juma Issa Bushiri cried for their mother. She looked for their mother in the room and went outside, but in vain. What she saw outside in that early morning was her mother's shoes. She took those shoes and put to the doors and went to sleep. At around 6:00 a.m. in the morning she wakes up took cassava to prepare for breakfast. She went outside and saw her mother lying outside totally necked. She tried to call her, but was not responding. She went close and found her mother already dead. So she took a piece of cloth and covered her, then started raising alarm to invite people in the scene of crime.

She added that, the body of her mother had deep cut wounds. Soon thereafter, their neighbours including Mr. Mahenge came to the scene of crime, took her mother's mobile phone and informed police post at Mandawa. She rested her testimonies by stating that she told the gathering that, during night, her stepfather came and had exchange of words with her mother outside of their house.

The second prosecution witness was **Dr. Alex Petro Mwambe (PW2)** who testified as a medical expert from Ruangwa District Hospital with experience of 30 years. That on Sunday 11th February, 2018, while was preparing to attend church services, he received a call from his supervisor to attend medical examination at Mandawa Village. Thus got prepared, police came and together went to the scene of crime at Lijumba hamlet. Upon arrival, police prepared environment for him to conduct medical

examination of the deceased body. He measured the distance from the house/hut to the scene of crime was 12 meters. The body had three deep wounds, one at the shoulder of the left hand side, two did cut up to two ribs and to the heart blood vessels. The third was on the neck, which separated the body and the head. He explained that the source of death was due to acute blood loss and slaughtering, which separated the body and the head.

He rested by testifying that he prepared a medical report (post mortem report) explaining the reasons for death and delivered it to police, which was tendered in this court during Plea taking and Preliminary Hearing and in this trial the report was read over loudly to the accused.

Ismail s/o Issa Chitutuli (PW3), firmly testified that during the time of event, he was a village Chairman of Mchichili. As chairman he was also a chairman of the peace and security committee in the village. That on 11/2/2018, at around 7.00 a.m. in the morning, he met with his fellow villagers discussing and complaining on the death of Asia Abdallah Sumla at Lijumba hamlet. Being a chairman and through his mobile phone called Mohamed Simbaulanga who was staying at Lijumba hamlet to confirm on the incidence, same was confirmed. In turn he reported the incidence to Police post at Mandawa. Together with police, they went to the scene of crime and found the deceased body was covered with a piece of cloth and observed the body had deep wounds on her neck. Within short time, Police from Ruangwa District came to the scene of crime accompanied with a Medical doctor who examined the deceased body. As a result, the

Doctor informed them that the source of death was over bleeding due to those deep wounds and slaughtering. The Police released the deceased body to relatives for burial ceremony.

The last prosecution witness is **Mr. Abdallah s/o. Muhidini Mahenge** (PW4), who testified that on the material date, early in the morning, at about 6.00 a.m. heard cries from a child indicating there is a serious danger. Since he was a neighbour to the deceased house, about three acres from his house, went there and found Swaumu Issa Bushiri (PW1) crying hopelessly, due to death of her mother. When he inquired on what transpired, Swaumu explained to him that during midnight, her young brother cried for her mother, she looked for her up to outside, but did not find her, instead found the door open, then went to sleep. On the eventful night, a stepfather and her mother (deceased) were in conflict outside, but in the morning her mother was found dead. Thereafter, he went close to the deceased body, observed that Asia Abdallah Sumla was slaughtered with a deep wound in her neck and in her left hand side. That was the end of prosecution case.

Having closed the prosecution case and upon review of the prosecution evidences, this court found the accused to have a case to answer, hence explained to the accused all his rights as required under section 293 of CPA. The defence case had one witness, the accused himself who defended under affirmation. That he is 53 years old, under Islamic faith, affirmed and testified that in his life time he has five (5) children with his

first wife Asha Bulala. The two divorced in year 2012 and later in year 2016 married to the deceased Asia Abdallah Sumla. From year 2015 he started living in the deceased house at Mandawa Village. The deceased had three (3) children, two of them were borne out of relationship with Issa Bushiri who died and the 1st borne had a different father. The deceased house at Mandawa and a farm at Lijumba were found during the existing marriage between the deceased and Issa Bushiri.

Testified further that, the farm at Lijumba hamlet, she inherited from Issa Bushiri, while his farm is at Nakahwili area. In both farms at Lijumba and Nakahwili, the two agreed to cultivate jointly. The last date to see the deceased was on 20/1/2018 at Mandawa village. Thereafter he went to Nakahwili with his solar energy and two buckets.

That on 11/2/2018 when was at Nakahwili together with his young daughter Kayumba, he was informed through a mobile phone call of Nachilapa, that his wife Asia is murdered. He left Nakahwili on foot to Mandawa village, then from Mandawa to the scene of crime at Lijumba, where he arrived at around 11:00 a.m. In his arrival, he found many people and the deceased body was covered with a piece of cloth lying down to the place where she was murdered. While he was at the scene of crime, Police from Mandawa recorded his statement and later, took him in motorcycle to police post and on the same date he was taken to Ruangwa Police Station.

He rested his testimonies by denying to have conflict with the deceased in respect to either farm land at Lijumba or Nakahwili. All children of Asiah he liked them and they respected him as their father and never reported anywhere any conflict with the deceased. That they worked jointly at Nakahwili in clearing the said farm, cultivating and planting seeds. Thus the accusations are unfounded as he could not kill his beloved wife for no apparent cause.

Upon closing the parties case, this court granted time to the learned Counsels to address the court on their final arguments, which same will be considered as I consider grounds pertaining to this case.

Fundamentally, murder is one of the most serious offence in our jurisdiction, which comprises several elements to be proved. In essence section 196 defines murder to mean:-

"Any person who with malice aforethought causes the death of another person by unlawful act or omission is guilty of murder".

I can think of no situation whereby one is authorized by the law to slaughter one's fellow human being. In any case there has been no suggestion, throughout the trial of this case, that the deceased was lawfully killed. Hence I find it safe to hold that the deceased was unlawfully killed. An immediate fundamental question for determination by this court is who slaughtered Asia Abdallah Sumla?

As in most homicide cases, the most contentious issue in this case is whether the accused person is the one who murdered the deceased. In this connection the learned State Attorney, in his final submission stood firm to convince this court that the accused was the brain and behind death of the deceased. Judge Msumi in **R Vs. Betram Mapunda and Optatus Tembo [1999] TLR 1 at page 3** had similar predicament when encountered with similar circumstances. Therefore, this issue is not new and in similar cases same should be asked.

Upon prove of murder the sentence is only one, that the murderer likewise must die by hanging. Such sentence has been challenged by most of human right activists, unfortunate their tears have ended up in a deep sea and to date is still the best law as per section 197 of the Penal Code. Due to its severity of sentence, obvious its proof must leave no doubt, but appoints to none than the accused himself.

There are certain elements of murder which always must be proved by the prosecution. That 'Malice Aforethought' must be established and proved. Section 200 of the Penal Code provide circumstances which malice aforethought may be established, such as:-

- (a) an intention to cause the death of or to do grievous harm to any person, whether that person is the person actually killed or not;*
- (b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some*

person, whether that person actually killed or not, although that knowledge is accompanied by indifference whether death or grievous harm is caused or not, by a wish that it may not be caused;

(c) an intent to commit an offence punishable with a penalty which is graver than imprisonment for three years;

(d) an intention by the act or omission to flight or escape from custody of any person who has committed or attempted to commit an offence”.

In murder cases, the prosecution has uncompromised duty to establish and prove malice aforethought; secondly, the evidence must point to none, but to the accused himself; The prove must meet the test of being beyond reasonable doubt. The term “**beyond reasonable doubt**” may be defined to mean that *no other logical explanation can be derived from the facts except that the accused person committed the crime*. It is a general principle of law and practice that it is the prosecution’s burden to prove its case beyond reasonable doubt. The Court of Appeal in the case of **Samson Matiga Vs. R, Criminal Appeal No. 205 of 2007** (Unreported) had this to say :-

“what this means, to put it simply, is that the prosecution evidence must be so strong as to leave no doubt to the criminal liability of an accused person. Such evidence must irresistibly point to the accused person, and not any other, as the one who committed the offence”

In the same vein Justice of Appeal Msoffe J.A in the case of **Nathaniel Alphonse Mapunda and Benjamini Alphonse Mapunda V. Republic [2006] T.L.R. 395** had this to say:-

*"As is well known, in a criminal trial the burden of proof always lies on the prosecution.....and the proof has to be beyond reasonable doubt. There must be **credible evidence linking the appellants with the offence committed**".*

The same reasoning was repeated by the Court of Appeal in the case of **Yusuf Abdallah Ally Vs. R, Criminal Appeal No. 300 of 2009.**

Likewise section 110 of the Evidence Act, insist on establishing the existence of the criminal act. **Lord Denning**, in the case of **Miller Vs. Minister of Pensions, (1947) 2 All ER 372**, provided the most lucid definition of the phrase "Beyond Reasonable doubt" to mean:-

"for that purpose the evidence must reach the same degree of cogency as is required in a criminal case before an accused person is found guilty. The degree is well settled. It need not reach certainty, but it must carry a high degree of probability. Proof beyond reasonable doubt does not mean proof beyond the shadow of doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is strong against a man as to

leave only a remote possibility in his favour which can be dismissed"

In totality therefore, I may gather that the degree of 'proof beyond reasonable doubt' will vary with the degree of seriousness of the offence under consideration. The more serious the offence, the higher ought to be the burden of proof. As rightly pointed out by Lord Denning, what constitutes 'proof beyond reasonable doubt' cannot be something beyond human knowledge, or beyond human imagination, but must be attached with the evidence linking the accused with the alleged offence committed. There must be credible evidence linking the accused with the offence committed.

The purpose of that strict rule of proving the case beyond reasonable doubt are two folds; first, to negate possibilities of convicting an innocent person leaving the actual offenders enjoy life in the society; second is to protect the society from hard core criminals by inflicting heavy penalty which is deterrent to whoever would think about that nature of offence. Thus, criminal statutes are enacted with purpose to protect the society from certain evils. Taking ones life is equal to trespassing into the jurisdiction of Almighty God. Whoever, unjustifiably does so, irreparable punishment is provided for under section 197 of the Penal Code. Due to its severity of punishment, usually, reasonable doubts should always benefit the accused.

The prosecution must undoubtedly, establish and prove the involvement of the accused in killing the deceased. Such duty is performed by the prosecutors who were not present or eye witnesses at the scene of crime, but they rely on the watertight evidence from those who witnessed the event with a view of convincing the conscience of the court not to decide otherwise, but to convict the accused and sentence him/her according to the dictates of law.

Having that basic legal principles in mind, the question remains how do these principles apply in this case under trial? In answering this question, I am certain the following issues will be likewise answered:

1. Whether Asia Abdallah Sumla died unnatural death on the alleged fateful night;
2. Whether the accused person participated in killing the deceased;
3. If the answer of the 2nd issue is in affirmative, then whether the act of killing the deceased was actuated by malice aforethought; and
4. Whether the prosecution dutifully established and proved the offence of murder to the standard required by law, that is beyond reasonable doubt.

I have reviewed the whole evidences of the prosecution, but what comes eminent is that the deceased Asia Abdallah Sumla died unnatural death. PW2 proved that she was slaughtered on the fateful night. The second

issue is whether the accused was the one who unlawfully murdered the deceased Asia Abdallah Sumla who happened to be his wife? This is the crux of the matter in this trial. The answer is not yes and no, rather requires careful analysis of the available evidences of both parties.

In essence in this case there is no eye witness who witnessed the killing of the deceased. All are witnesses after the event. PW1 tried to adduce evidences that she saw the accused with the deceased on the fateful night. Her evidence during trial when compared with the statement taken on the same day of event, the two are incomparable. They are quite different. Part of her recorded statement says:-

"Mama nimekuwa naye hadi usiku wa kuamkia leo tarehe 12/02/2018, tukiwa tumelala usiku mara nilimwona baba anafungua mlango na kuingia ndani mimi sikuwa na shaka yoyote nikaendelea kulala kwa kuwa ni tabia yake kuja usiku tangu tukiwa kijijini Mandawa. Nyumba tunayolala ni kibanda tu cha chumba na chumba kimoja kiko wazi hakijagandikwa hivyo wakati baba nakuja alikuja na watu watatu ambao niliwaona nje kupitia chumba ambacho hakijagandikwa na pia kulikuwa na mwanga wa mbalamwezi."

This piece of evidence when compared with her evidence during trial, the two are substantially different. For instance she testified that at the midnight around 3:00 hours, a stepfather, the accused, came from Nakahwili to Lijumba. Upon his arrival he opened the door and called her

mother outside of that house. The two were outside, while PW1 and her young brother were inside the said house/hut. While the two were still outside, she heard conflict and she went out for natural call. That is when she saw her stepfather standing on one side and her mother standing close to the door, but both were close to each other about two or three steps between them. She greeted her stepfather who harmoniously responded. Her mother when was going out she took a torch made in China lighting both sides. The said torch was put between the accused and the deceased. She elaborated further, that the light was bright enough to identify any one nearby. Thereafter, she went for a short call and came back to where her mother was, but the accused told her to go to sleep which she obeyed and went to sleep.

On the dressing of the accused on that night, he dressed with black T-shirt and blue trouser and had a (boot) shoes in his feet, while her mother was dressed with a dark trouser and white "kanga" attached to her breast'.

This piece of testimony leaves no doubt she was an eye witness, before the event of murder. But she did not say anything on the three men who were outside as she stated in her recorded statement to Police on the very day of event. On the issue of light, likewise, differs between her recorded statement that there was moon light which helped her to see the three people outside, but she testified in court that the source of light was torch made in china and solar.

Likewise, the age of the witness on the eventful date was 13 years, a child of tender age as per section 127 (5) of the Evidence Act, and on the hearing of this case, she attained the age of 15 years, slightly above the child of tender age. The span of two years might have improved her memory of the event or distorted it. The Court of Appeal in the case of **Mohamed Said Matula's Vs. R (1995) TLR 3** held that:-

"where the testimony by witnesses contain inconsistencies and contradictions, the court has a duty to address the inconsistencies and try to resolve them where possible, else the court has to decide whether the inconsistencies and contradictions are only minor or whether they go to the root of the matter"

Likewise, in **Criminal Appeal No 246 of 2011 Maramo S/O Slaa Hofu & 3 others Vs. R**, at page 13 CAT held:-

"It is therefore true that the existence of contradictions, inconsistencies in the evidence of a witness is a basis for a finding of lack of credibility; but the discrepancies must be sufficient, serious, and must concern matters that are relevant to the issues being adjudicated, to warrant an adverse finding.

All trials, normal discrepancies are bound to occur in the testimonies of witnesses, due to normal errors of observations such as errors in memory due to lapse of time or due to mental disposition such as shock and horror at the time of occurrence.

Minor contradictions, inconsistencies, embellishments, or improvements, on trivial matters which do not affect the case of the prosecution case should not be made a ground on which the evidence can be rejected in its entirety”

However in this case the discrepancies are fundamental which goes to the root of the validity of Evidence itself.

The issue of identification of an accused is fundamental, which goes to the root of the case itself. It is not a minor or normal inconsistencies which may be overlooked, but is fundamental. There are several precedents on proper identification of the accused including; in the cases of **Musa Abdallah Vs. R, Criminal Appeal No. 36 of 2005; Rizal Rajabu Vs. R, Criminal Appeal No. 110 of 2006 and Paschal Christopher Vs. DPP Criminal Appeal No. 106 of 2006** the Court of Appeal provided six guidelines namely:-

- 1st How long did the witness had the accused person under his/her observation*
- 2nd What was the estimated distance between the two people;*
- 3^d If it were at night (as in the instant case) which kind of light did exist;*
- 4th Had the witness seen the accused person before the day and time of crime. If so when and how often;*
- 5th The whole evidence before the court considered, are there material impediments or discrepancies affecting the correct identification of the accused by the witness; and*

6th In the course of the observation of the accused by the witness, was there any obstruction experienced by the witness, obstruction which may have interrupted the latter's concentration.

I have no doubt; all six factors were not complied with. Considering the apparent inconsistencies of the evidence adduced by PW1 who is alleged to be an eye witness I see an apparent danger to rely to her evidence without an independent evidence to corroborate it. The rest are witnesses after the event.

PW2 adduced an expert opinion on medical examination of the deceased body. The testimonies of PW2 are not disputed and undoubtedly admissible, proving the nature of death of the deceased. **PW3 and PW4** are witnesses after the event, thus not eye witness. Unfortunate in this case there was no police investigator who investigated the event and unearthed exactly what happened during that fateful night. What remains is circumstantial. The principles governing circumstantial evidence is well developed and settled in our jurisdiction. We can trace it from year 1934 when Judges of the Court of Appeal for Eastern Africa in the case of **Samson Daniel Vs. R, [1934] EACA 134** laid down a long living guidelines when they held:-

"Circumstantial evidence may be not only as conclusive as, but even more conclusive than, the evidence of an eye-witness. The circumstantial evidence must lead to the inevitable

conclusion that the death was the act or contrivance of the accused. If there is an alternative which can with any reasonable probability account for the death, this excluded the certainty which is required to justify a verdict of guilty"

In the case of **Ally Bakari & Pili Bakari Vs. R [1992] TLR 10** Justices of Appeal held that:-

"where the evidence against the accused is wholly circumstantial the facts from which an inference adverse to the accused is sought to be drawn must be proved beyond reasonable doubt and must be clearly connected with the facts from which the inference is to be inferred.

In my view the circumstantial evidence in this case does not irresistibly lead to the inevitable inference that it was the accused and nobody else who killed the deceased. Likewise, the wise assessors unanimously, agreed that the evidence of the prosecution did not link up the accused with murder of the deceased. The accused immediately upon being informed on the death of his wife, he left Nakahwili to the scene of crime at Lijumba. In his defence strongly resisted to murder his beloved wife for they had no conflict and they lived in harmony and peaceful. Even if his defence would not be strong enough, yet the accused has only one duty that is to create in the mind of the court a reasonable doubt on his involvement. In the case of **Said Hemed Vs. R, [1987 TLR 117 (CAT); R Vs. Alistaliki Msumbuku [1967] H.C.D. 343; Moshi Rajabu Vs. R, [1967] H.C.D.**

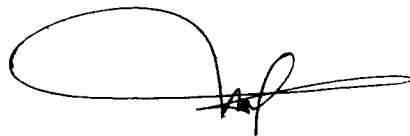
384; and Fanuel s/o Kiula v. R. (1967) HCD at 369, in all these cases, the court arrived in one conclusion that, always an accused person cannot be convicted based on his weak defence, but on unshakable strong prosecution evidences proving the case beyond reasonable doubt. In this case, such proof is lacking.

Having considered all relevant factors testified in court by both parties and having considered objectively the unanimous opinions of court assessors, I share the same observation that the link of the accused in the murder of the deceased is not watertight.

I accordingly, find **Abdallah Bakari Mkwinda** not guilty to the offence of murder. Subsequently acquitte him and order an immediate release from custody unless lawfully held.

It is so ordered.

DATED at LINDI this 30th day of March, 2020



P.J. NGWEMBE

JUDGE

30/03/2020

Court: Delivered at Lindi in Chambers on this 30th day of March, 2020 in the presence of Mr. Yahya Gumbo, State Attorney for the Republic and in the presence of Mr. Stephen Lekey, Advocate for the accused person.

Right to appeal to the Court of Appeal explained.



P.J. NGWEMBE

JUDGE

30/3/2020

ASSESSORS

1. ZAINABU MANJAMBWA;
2. REHEMA MASANJA; AND
3. MWAJUMA KIBWANA.