

**IN THE HIGH COURT OF TANZANIA**

**(MWANZA REGISTRY)**

**AT GEITA**

**CRIMINAL SESSION NO. 112 OF 2017**

**THE REPUBLIC .....PROSECUTOR**

**VERSUS**

**MASUMBUKO S/O MANYANGA & ANOTHER.....ACCUSED**

**SENTENCE**

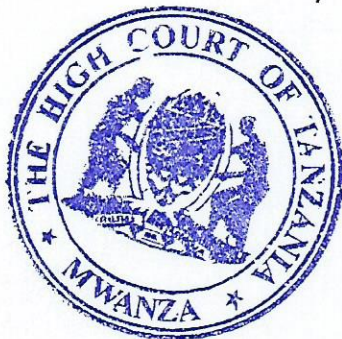
The accused persons, Masumbuko S/O Manyanga and Lukanazya S/O Kaigi are charged for an offence of Attempted murder under Section 211 (a) of the Penal Code Cap. 16 [R.E. 2019].

In sentencing the accused persons, I am required to consider that the sentence issued to the accused persons is meant to change their behaviour and make them good citizens. The purpose of a sentence is to deterrence and rehabilitate the accused persons. I have noted that the first accused person alleged the victim that he had an affair with his former wife whom he wanted him to pay dowry. It seems that the first accused person was provoked. The Republic on his side, urged this court to issue a severe penalty to the first accused person because his act was uncoth and the fight caused a permanent disability to the victim. The learned counsel for the first accused person urged

this court to find that the first accused person has saved the costs of the court and that he has served 8 years in remande - prison. Mr. Makene also urged this court to consider the first accused age, he is 69 years old and that the victim provoked the first accused person.

Ms. Doreen, the learned counsel for the second accused person urged this court to find that the 2<sup>nd</sup> accused has pleaded guilty thus has not disturb the court and that he has spent 5 years in remande -prison before he was bailed out. Ms. Doreen also urged this court to find that the first accused person denied the involvement of the second accused person in the said fight.

Following the mitigation factor, I have found that the first accused person deserves a mild punishment for the act which he has done which is contrary to the law. He was required to report his matter to the village leaders instead of taking the law on his own hand. Therefore, I subject him to a conditional discharge for one year he is required not to commit any crime. The second accused person is absolutely discharged.



  
**A. Z. Mgeyekwa**  
**Judge**  
**28/04/2021**