

IN THE HIGH COURT OF TANZANIA
AT MWANZA

ORIGINAL JURISDICTION

(MWANZA REGISTRY)

CRIMINAL SESSION CASE NO. 108 OF 2015

REPUBLIC.....PROSECUTOR

VERSUS

HAJI S/O MATATAACCUSED

SENTENCE

The accused person HAJI S/O MATATA has been convicted of the offence of Attempted Murder contrary to section 211 (a) of the Penal Code Cap. 16 [R.E 2019].

In reaching an appropriate sentence this court has considered several factors, the nature and the seriousness of the offence that the accused person has been found guilty of the circumstances surrounding the commission of the crime, the personal circumstances of the accused as well as the interest of the society. The court is also duty bound to take into consideration the main purpose of punishment namely; retribution, deterrence, prevention and rehabilitation. All these must be accorded due weight in any sentence.

I have considered the factors raised by the prosecution and defence side. Mr. Masambu, learned State Attorney stated that the accused person is the first

offence but he urged this court to issue a heavy sentence to serve as a lesson to the accused person and the society at large. Mr. Masambu argued that the accused had evil motive, he wanted to murder Consolata Matata because he injured her on her vulnerable parts of her bodies as a result the victim is permanently disabled. On his side, Mr. Otieno, learned advocate prayed for a lenient sentence. He stated that the accused person is a first offender and has not disturb the court since he pleaded guilty to the offence. He added that the accused person has spent four years in remand and he has five children and a wife who depend on him.

The conduct of the accused and behavior were uncouth and grossly animosity. He was supposed to report his claims to the family member instead of assaulting her sister with a sharp object on her different parts of her body. In sentencing the accused person I have considered the time the accused person has spent in remand custody. Apart from that I have found that the accused needs a deterrent sentence albeit mid severe for attacking Consolata Matata and caused her permanent scars.

In the circumstances, I therefore, sentenced the accused person two (2) years imprisonment.

Order accordingly.




A. Z. Mgeyekwa
Judge
04/05/2021