

IN THE HIGH COURT OF TANZANIA

(MWANZA REGISTRY)

AT MWANZA

CRIMINAL SESSIONS CASE NO. 117 OF 2018

THE REPUBLICPROSECUTOR

VERSUS

ZACHARIA S/O HAMIS..... ACCUSED

SENTENCING

It is undisputed that the accused person/convict is the first offender as there is no criminal record. Given the fact that the accused is the first offender, he showed contrition towards the deceased's death. The accused has been convicted of the offence of manslaughter whose maximum sentence is life imprisonment. The circumstance of this case do not warrant a maximum sentence or a lower sentence but a medium sentence. The sentencing range in a medium level is imprisonment for a period of 4 years to 10 years.

I have duly considered both the aggravating and mitigating factors. The prosecution invited me to consider the fact that the accused had caused the death of her mother, therefore he should be given sentence in order to serve as a lesson to the other members of the public who have the behaviour like that of the accused person.

According to the evidence, the accused when he came back from his duty, he found his dog were not fed by his nephew Prisca. The accused intended to inflict punishment to Prisca. The grandmother of Prisca who was the mother of the accused became furious and took over the stick from the accused and

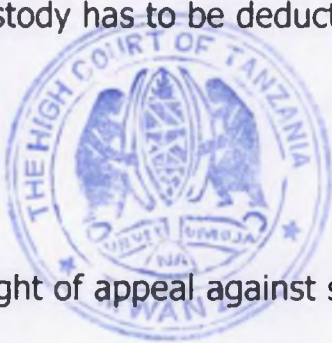


beat him. The accused revenged, he pushed her mother against a wall and he beat her with stick on her right eye side and arms. The mother of the accused was injured severally and she passed away on the next day.

In a mitigating factors the advocate of the accused prayed the court to impose lenient sentence because the accused is the first offender, he is a father of a baby girl aged 8 years old by now who need the love, care and support from his father, that the accused was arrested and kept in remand from 11/1/2017 up to now and that the accused pleaded guilty for the offence in which he is charged with.


I am therefore legally made to decline imposing much more severe or stiff sentence against the accused person.

Consequently, in order to be a lesson to the other person who have the habit like the accused person. I am hereby sentence the accused Zacharia Hamis to six (6) years imprisonment and the period in which the accused was in custody has to be deducted.




Sgd. M. Mnyukwa
Judge
28/09/2021

Right of appeal against sentence explained and guaranteed.


Sgd. M. Mnyukwa
Judge
28/09/2021