

IN THE HIGH COURT OF TANZANIA

(MWANZA REGISTRY)

AT GEITA

CRIMINAL SESSIONS CASE NO. 83 OF 2021

THE REPUBLICPROSECUTOR

VERSUS

DISCKSON S/O DEOGRATIUS..... ACCUSED

SENTENCE

The accused person stood charged and convicted with the offence of Manslaughter contrary to section 195 and 198 of the Penal code, Cap 16 R.E 2019.

It is a principle of law that in sentencing the accused person the fact that he has pleaded guilty and convicted on his own plea of guilty, the time he had spent in custody and the age of the accused are among the factors that the court may have to consider when passing sentence. The offence in which the accused person is convicted with, attracts a maximum sentence of life imprisonment.

In our case at hand by considering the level of the seriousness of the offence in the sentencing range, the circumstances of the case warrant a high level range of sentence because there was use of dangerous weapon by the accused person to cause death of the deceased. In a high level range, the sentencing range is 10 years to life imprisonment.

The prosecution side invited this court to impose heavy sentence after considering the circumstance in which the offence was committed and the act of the accused to have tried to run away after commission of the offence and the type of weapon that was used to cause the death of the deceased.

It was also advanced in the accused's mitigation that the accused confessed before police, justice of peace and pleaded guilty to the court, thus he regrets for his action and he had learnt a lesson. The fact that the accused is the first offender, he is in custody for almost two years now, the offence was committed under the heat of passion and the fact that he is a young man, all these might be considered by the court when passing sentence.

Having considered both mitigating and aggravating factors in this case as shown above, I hereby sentence the accused to five (5) years imprisonment to discourage the behavior like that of accused person to the other members of the public. It is so ordered.



Sgd. M. Mnyukwa

Judge

22/11/2021

Right of appeal against sentence explained and guaranteed.



Sgd. M. Mnyukwa

Judge

22/11/2021