

IN THE HIGH COURT OF TANZANIA

(MWANZA REGISTRY)

AT MWANZA

CRIMINAL SESSIONS CASE NO. 108 OF 2019

THE REPUBLICPROSECUTOR

VERSUS

JOSEPH S/O CHARLES @ MACHINE.....1ST ACCUSED

JUMA S/O LUSHINGE @ MSONGA.....2ND ACCUSED

SENTENCING

The accused persons stood charged with the offence of Manslaughter contrary to section 195 and 198 of the Penal Code Cap. 16 R.E 2019. They have pleaded guilty to the offence and so they have been convicted on their own plea.

The maximum sentence for the offence of Manslaughter is life imprisonment. The circumstances of this case shows that the level of the seriousness of the offence is of the high level in which it's sentence range is from 10 years to life imprisonment. The seriousness of the offence is on high level because there was use of dangerous weapon, machete and the accused persons, caused serious multiple wounds to the deceased.

The prosecution has invited me to consider caution statements of the 1st and 2nd accused persons (exhibit P1 collectively) when passing the sentence. In their cautioned statements the accused confessed to have killed the deceased by causing multiple wounds to him and later on throw the body of the deceased into lake Victoria.

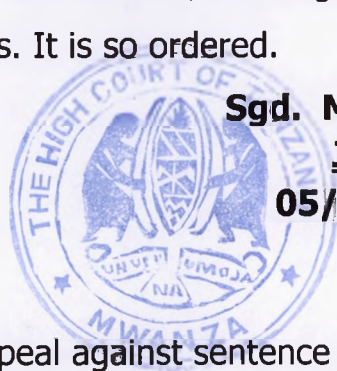
It was also advanced in the accused persons' mitigation that they have pleaded guilty to the offence, they have reported the matter to the BMU office for the purposes of paying compensation believing that the deceased



was still alive. They did not waste court's time and costs, they have been in custody for almost two years and five months now, and they deserved to be treated with lenience. Another factor they beg this court to consider his age of the accused persons whereby the first accused is 31 years and the second accused is 39 years. This shows that they are still young.

After considering the aggravating and mitigating factors from the prosecution side and defence counsels, it is my considered view that the sentence imposed to the accused persons must match the crime which has been committed. The punishment should result the accused persons to suffer for a voluntary moral and legal wrong they have committed against the deceased.

In view of the above, I sentence the accused persons Joseph s/o Charles @ Machine and Juma s/o Lushige @ Msonga to suffer jail in imprisonment for 12 years. It is so ordered.



Sgd. M. Mnyukwa

Judge

05/10/2021

Right of appeal against sentence explained and guaranteed.

Sgd. M. Mnyukwa

Judge

05/10/2021