

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB-REGISTRY OF MWANZA

ORIGINAL JURISDICTION

AT MWANZA

CRIMINAL SESSION CASE NO. 22 OF 2022

THE REPUBLIC

VERSUS

ADAM S/O JUMANNE @ RUBINZA

ORDER/SENTENCE

28th June, 2022

DYANSOBERA, J:.


I have taken into account both the accused's antecedents and his mitigating factors. I have noted that the accused is a first offender and therefore might have come into friction with the law by bad luck. The accused has pleaded guilty to the charge hence saving time and expenses.

The accused has been cooperative all along from the time of apprehension to the time of arraignment when he has pleaded guilty signifying contrition. The accused is still a young person hence a good resource to the nation. He deserves leniency.

The law, however, is clear under section 198 of the Penal Code [Cap. 16 R.E. 2019] that where the accused is convicted of manslaughter under section 195, he is liable to imprisonment for life.

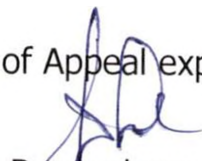
Having taken into account the antecedents and the mitigation and the objectives set out by the law and sentencing guidelines, I am satisfied that the sentence has to fit the crime and the offender and that is the proportionality test. The offence the accused committed was not, in the circumstances of the case, unavoidable.

For the stated reasons, I sentence the accused to five (5) years term of imprisonment.


W.P. Dyansobera
Judge
28/06/2022

Rights of Appeal to the Court of Appeal explained.




W.P. Dyansobera
Judge