

**THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE DISTRICT REGISTRY OF ARUSHA  
AT ARUSHA  
CRIMINAL SESSIONS NO. 15 OF 2022  
REPUBLIC  
VERSUS  
EDWARD RICHARD @ TARIMO**

**PROCEEDINGS**

**Date: 21/07/2022**

Coram: N. R. Mwaseba, J

**Ms. Eunice Makala** State Attorney for the Republic

**Mr. Kennedy Mapima** Learned counsel for the accused person

Edward Richard @ Tarimo is under custody and represented by **Mr. Kennedy Mapima** Advocate

CC: Beatrice

**Ms Eunice:** we pray for another date as there was miscommunication concerning this session

**Mr Mapima:** No objection but we pray that the matter comes for plea taking on 26/7/2020

**Order:** Mention on 26/07/2022

AFRIC

**Sign N.R. Mwaseba**

**21/07/2022**

**Date: 26/07/2022**

Coram: N. R. Mwaseba, J

**Ms.Eunice Makala** State Attorney for the Republic

**Mr. Kennedy Mapima** Learned counsel for the accused person

CC: Beatrice

**Ms.Eunice Makala:** The matter is coming for plea taking. We are ready

**Mr. Kennedy Mapima:** we are ready but we have a prayer before you. I have spoken to my client. He admits that he committed a lesser offence. We pray that we go for a lesser offence of manlaughter as my client is ready to plea

**Ms Makala:** I have heard him. We agree so we are ready to reduce and go to a lesser offence

**Court:** Information of manslaughter C/S 195 and 198 of the Penal Code [Cap 16 R.E 2019] read out in the language understood by the accused person who is called upon to plea and pleaded as hereunder:

**Accused:** "Ni kweli"

Court: Entered as a plea of Guilty.

**Sgn: N.R Mwaseba**

**Judge**

**26/07/2022**

**Ms Makala:** we pray to read the facts of the case.

**Mr Mapima:** we are ready

**FACTS HEARING STARTS AS PER SECTION 192 OF CPA**

The accused person in this case is Edward Richard Tarimo. Chagga by tribe, he was 45 years when the offence was committed. He is Christian and a resident of Chem chem at Arumeru district in Arusha. The decease is Shadrack Pius@ Minja who was a resident of Chemchem in Arusha district in Arusha region.

The accused stands charged with the offence of manslaughter under section 195 and 198 of the penal code Cap 16 R.E 2019.

The offence was committed on 19/3/2021 at Chemchem Arumeru in Arusha.

On the material date the accused who was residing close to the deceased's home and Leah Juma@ Omari. While at that area the accused started to abuse Leah Juma by words. The deceased came and argued the accused not to abuse his mother who is now a deceased. When the deceased was stopping the accused not to abuse his mother there happened a dispute between the accused and the deceased. The accused took a knife and inflicted the deceased. Leah shouted for help then Emanuel Richard @Tarimo came to help her. He took the deceased to hospital. While on their way the deceased died. After the deceased body being taken to hospital it was examined and the report indicated that the deceased's death was caused by severe and excessive bleeding after multiple organs which are lung, liver and heart.

The matter was reported at police station whereby investigation took over and the accused was arrested on 20/3/2021 and as taken to police station

for interrogation. Also, the police officers reached at the crime scene and drew a sketch map. After completion of investigation the accused has arraigned before this court to answer the charge of manslaughter.

Together with what we have submitted, we pray to tender the following exhibits:

1. Postmortem report
2. Sketch map of the crime scene

**Mr Mapima:** We have no objection

Court: Postmortem report and sketch plan map of the scene of crime are admitted as exhibit P1 and p2 respectively

Court: postmortem report and sketch map are read over loudly in court

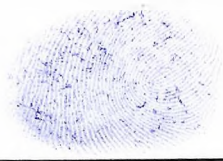
**Sgn: N.R Mwaseba**

**Judge**

**26/07/2022**

**Ms Makala:** That's all

**Accused:** I admit all the facts read out by the state attorney



**Signed by Accused:** \_\_\_\_\_

**Signed by Mr Mapima Advocate:** \_\_\_\_\_

**Signed by Ms Makala State Attorney:** \_\_\_\_\_

Section 192 (3) Complied With

**Sgn: N.R Mwaseba**

**Judge**

**26/07/2022**

**FINDING OF THE COURT.**

Having heard the facts of the case and the plea of the accused person, the accused person is hereby found guilty and I proceed to convict him on his own plea of guilty to the charge of manslaughter C/s 195 and 198 of the Penal Code Cap 16 R.E. 2019.

**Sgn: N.R Mwaseba**

**Judge**

**26/07/2022**

## **PREVIOUS RECORD**

We have no previous record of the accused. We pray this court to impose a sentence to the accused according to the law because the action of the accused led to the loss of the deceased who was to be a resource in the society. When the accused was committing this offence, he was to take precaution as he used a knife which is a dangerous weapon and he attached it at a dangerous part of her body v which is liver, lung and herar which led to her death. Those parts of the body are dangerous and can cause death that's why the deceased had severe bleeding and then she died.

We pray for a stiff sentence to be a lesson to the accused and the would-be offenders.

That's all.

## **MITIGATION**

We have heard the submission of the learned state attorney. It is true that the accused is a first offender. The offence was committed on 19/3/2021 and on 20/3/2021 the accused was arrested. Since then, the accused has been in custody. It is almost one year and four months. So long as the

death happened due to the fight between the accused and the deceased one Shadrack, even when the accused was attacking a knife to the deceased, he did not intend to cut the lung, liver and the heart of the deceased. The accused is very sorry for the said offence that's why he has decided to plea guilty without disturbing the court. Also, the accused has dependants who are two children and wife. We pray for a leniency sentence.

That's all

## **SENTENCE**

I have considered the submission by the state attorney that the accused used a dangerous weapon to attack the deceased and he inflicted it at a dangerous area that is a lung, liver and heart of which he ought to take precaution that the action might cause death. I have also considered the mitigation factors that the accused has been in custody since 13/03/2021 and that he is sorry for what happened. That is why he has pleaded guilty to the charge. He further said the death was due to the fight which



occurred there. I therefore sentence the accused to five years imprisonment to be computed from the date he was arrested.



**Sgn: N.R Mwaseba**

**Judge**

**26/07/2022**