

**THE UNITED REPUBLIC OF TANZANIA  
JUDICIARY  
IN THE HIGH COURT OF TANZANIA  
MBEYA DISTRICT REGISTRY  
AT MBEYA  
CRIMINAL SESSIONS CASE NO. 50 OF 2022**

**REPUBLIC**

**VERSUS**

**EMMANUEL MAVUNJE**

**SENTENCE**

**KARAYEMAHA, J**

The accused person during the fight killed the deceased say almost 9 months ago. He killed him in the course of fighting the reason being the deceased's conduct of persistently forcing to work for his family and abandon his employer. On sentencing him, I first take into consideration these circumstances which lead to the commission of the offence. The death, therefore, occurred in a situation where the accused person and the deceased had welcomed a fracas. By reason of the fight the deceased sustained injuries on his body including the head. The injuries caused severe bleeding and untimely death.

I have also taken into account that among the body parts the accused person attacked was the head which is a sensitive, delicate and

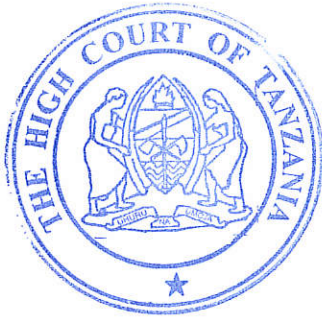
dangerous area of the body. In addition to that, I have considered the mitigating factors that the accused is a first offender, has pleaded guilty and did so at Police right from the date he was arrested and justice of peace as per exhibit P3. I am also convinced that the accused has learnt the hard lesson for the period he has been behind bars.

In consideration of these factors, the law, that is, the Penal Code (Cap 16 R.E 2022) has clearly provided for the sentence of life imprisonment under section 198. However, a further consideration on the seriousness of the offence, in my considered view, it falls under the low level where the accused used excessive force in opposing the deceased's proposal. In that situation, the sentence range is conditional discharge to imprisonment for 4 years.

Considering all these factors utmost the truth that the accused is now 19 years old, I hereby sentence the accused person, namely, **Emmanuel Mavunje**, to a conditional discharge under section 38 (1) of the Penal Code, (Cap 16 R.E 2022) on condition that, he should not commit any Criminal offence for a period of twelve months (12) from the date of this order.

The accused person is warned in terms of section 38 (3) of the Penal Code (Cap 16 R.E 2022). It ordered that he be set at liberty unless he is held for another lawful matter.

It is so ordered.



A stylized signature in black ink, consisting of a series of loops and curves.

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**J. M. Karayemaha**  
**JUDGE**  
**28/07/2022**