

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(SONGEA DISTRICT REGISTRY)

AT SONGEA

ORIGINAL JURISDICTION

CRIMINAL SESSIONS CASE NO. 17 OF 2022

THE REPUBLIC

VERSUS

NEEMA ATHUMANI @ SHAIBU

SENTENCE:

This sentence emanates from the accused person's admission to the charge of manslaughter. The Accused Neema Athmani Shaibu was earlier charged with the offence of murder, but in her plea, she admitted to having caused the death of the deceased without malice. The prosecution substituted charges of murder C/S 196 and 197 of the Penal Code (Cap 16 R.E. 2019) to the charge of manslaughter C/S 195 and 198 of the Penal Code (Cap 16 R.E. 2019). The prosecution read the charge of manslaughter and the accused persons pleaded guilty and admitted all the facts. The prosecution facts did show that the accused committed the offence of manslaughter on the 23rd day of December 2021 at Mwenge

village area within Tunduru District in Ruvuma Region. The Accused persons unintentionally killed the deceased one Rashford Tarik Ally.

Before sentencing the accused, I carefully considered both aggravating and mitigating circumstances. I have also read the facts and circumstances of the death of the deceased to enable this court to decide the appropriate sentence for the accused person. I have considered that the accused has no previous criminal record, the accused is a first-time offender, and the accused has pleaded guilty to the charge of manslaughter, so the time to call witnesses, the costs, and the inconvenience that the court would incur have been reduced. As a result, saving time and resources.

With the foregoing, the accused falls into the high degree of manslaughter because she got a job in Arusha Region and, after finding a job. Furthermore, he knew that what she did was evil and decided to bury the child, and the child seemed to have been buried in his home area with the accused's sister. She saw the hand hanging in the small grave dug by the accused. This is an abuse of children's rights. It is gender-based violence. As a result, manslaughter was committed to a high degree. Her child has the right to live, which was taken by rat poison. I hereby sentence the accused person, Neema Athmani Shaibu, for the offence of manslaughter,

contrary to sections 195 and 196 of the Penal Code (Cap 16 R.E 2019).
The accused person to serve ten years of imprisonment. Order
accordingly.



A handwritten signature in blue ink, appearing to read "U. E. Madeha", written over a horizontal line.

U. E. MADEHA

JUDGE

29/09/2022

Court: The sentence is pronounced in open Court No. 2 in the presence
of the learned State Attorney and the Accused Advocates.



A handwritten signature in blue ink, appearing to read "U. E. Madeha", written over a horizontal line.

U. E. MADEHA

JUDGE

29/09/2022