

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA.

(SONGEA DISTRICT REGISTRY)

AT SONGEA

ORIGINAL JURISDICTION

CRIMINAL SESSIONS CASE NO. 31 OF 2022.

THE REPUBLIC

VERSUS

ZENO DAUDI NDONDE.

SENTENCE:

This sentence emanates from the accused person's admission to the charge of manslaughter. As a matter of fact, the accused person is none other than, Zeno Daudi Ndonde who was initially charged with the offence of murder. In his plea, he admitted to having caused the death of the deceased without malice. To add to it, 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 contrary to Sections 195 and 198 of the Penal Code (Cap 16 R.E. 2019).

On the same note, the prosecution read the charge of manslaughter as a result, the accused persons pleaded guilty and admitted all the facts. To add to it, the prosecution facts did show that the accused committed the offence of manslaughter on 30th November 2020 at Kilimani Village within Mbinga District, in Ruvuma Region. In fact, it was unlawful killing of one Sadeni Zeno Ndonde.

I have considered the aggravating factors and the mitigating factors in pronouncing the verdict. Mainly, Mr. Mwakibolwa David the learned State Attorney for the Republic submitted that they have no previous records of the accused person. However, they request that the accused person be punished in accordance with the law for all the offence he has committed.

On the contrary, Mr. Raphael Matola, the accused's learned advocate submitted that: - On the defence side, since the accused has pleaded guilty to the charge of manslaughter, he humbly asked the court to reduce the punishment. To add to it, in reducing the punishment he kindly asked the court to consider the following: **Firstly**, the accused has no previous criminal record. **Secondly**, the accused is a first-time offender. **Thirdly**, the accused has been in prison for twenty (20) good months. In fact, this is from the date when the accused was arrested. **Fourthly**, they asked the court to

consider that 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. **Fifthly**, they asked the court to consider that the accused showed maximum cooperation from the first (1st) day he was arrested. To add to it, after realizing that he had caused manslaughter, he personally, went to report this issue to the village executive's office. **Sixthly**, he asked the court to consider that the accused is an old man that is he is actually sixty (60) years old. **Seventhly**, they asked the court to look into the fact that the deceased went to the accused's house himself. Additionally, upon arriving messed up. In fact, that's to say when the quarrel started it was during night hours. In that regard, if he couldn't go to the house of the accused, he would have been alive until today. Therefore, the accused was acting in self-defence.

It is worth considering that, before sentencing the accused. I have carefully considered both aggravating and mitigating circumstances. I have thoroughly read the facts and circumstances of the deceased's death in order to enable this court to decide the appropriate sentence for the accused person. To the best of my knowledge, I have considered that the accused

person has stayed in custody for twenty (20) months. In fact, it is considered that the accused person's age is sixty (60) years old.

Therefore, I hereby sentence the accused person that is none other than; Zeno Daudi Ndonde for an offence of manslaughter contrary to sections 195 and 196 of the Penal Code (Cap 16 R.E. 2019). The accused person to serve four years imprisonment. Order accordingly.



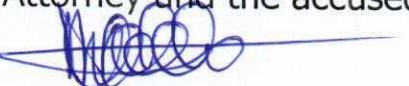

U. E. MADEHA,

JUDGE.

29th, September 2022.

Court: The sentence is pronounced in an open Court No. 2 in the presence of the learned State Attorney and the accused's learned advocate.




U. E. MADEHA,

JUDGE.

29th, September 2022.