

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF SHINYANGA
AT SHINYANGA**

SITTING AT BARIADI

CRIMINAL SESSIONS CASE NO. 117 OF 2022

THE REPUBLIC

VERSUS

NZUMBI S/O SITTA

JUDGMENT

22nd September & 5th October 2022

MKWIZU, J

The accused is charged with an offence of murder contrary to sections 196 and 197 of the Penal Code (Cap. 16 R.E 2002; now R.E. 2022). The statement in the particulars of the offence brought before the court by the prosecution alleges that on 24th March 2017 at around 09.00 hrs. the accused and the deceased had engaged in an argument which infuriated the accused. It is said, he then arranged for the killing of his uncle on the same date. The particulars of the offence further disclose that at around 21.00hrs the accused stalked the deceased while sleeping and hit him with a hoe handle on his head to death. He carried the deceased body and threw it to a nearby bush estimated at 150 meters from their homestead. The deceased body was later discovered by the villagers on 18/4/2017, police were notified, and the accused was arrested hiding at a traditional healer's home at Migato

village within Itilima District in Simiyu Region, and consequently charged with the present charges which the accused denied.

The prosecution relied on six (6) witnesses to prove its case. PW1: **SALI GIYUNGA**, a retired Assistant clinical officer who was by then working at Bariadi Hospital told the court that on 18/4/2017 at around 16:00hrs he participated in conducting a postmortem examination at Mwasinasi village. He said the examination was done on a decomposed male human body of a person known as Machia Madata Masunga as introduced to him by Minza Masunga and Musa Masunga which was laying in forest. He said, the condition of the body showed that the death had occurred two weeks before the examination as it had decomposed without flesh in it. Its right hand, all the ribs and the inside parts of the chest missing from the body. And that the stomach was also empty an indication that the deceased body was eaten by wild animals. When asked to comment on the age of the deceased person, he said, it was not easy to detect the age of the deceased due to the condition of the body at that time

Apart from the body itself, PW1 said, the dead body had a piece of the vest on the chest and there was also around the scene a reminder of the mosquito net and part of the trouser. After the examination he on 19/4/2017 prepared a report which he tendered in court as exhibit P1.

This witness was specific during cross examination that it was not easy to identify the deceased by the physical dead body found and that the identifying witnesses were aided by the clothes found at the scene including

a piece of the vest that was on the deceased body and other clothes which were found in a distance of like 15 meters from where the body was to identify the deceased. He said, though the deceased head was intact, it had changed such that it could not have aided the relative in identifying the deceased person.

PW2 is **MADUHU PAULO**, a male person resident of Mwasinasi village in Tanagi Hamlet. He described the deceased Machia Madata Masunga as the accused's uncle (baba mdogo) and that they were staying together in one house. The two persons (the accused, and the deceased) are according to PW2 his neighbor staying 300 meters apart.

He said, his neighbour Machia Madata Masunga is dead and that he went missing on 24/3/2017. And having not seen the deceased for two weeks, he asked the accused about the deceased whereabouts, and he was told that the deceased might have gone to the forest.

He on 17/4/2017 while at his home was approached by one lady named Tabu Sanze informing him that she had seen a dead body in the bush. He instructed her to notify the Hamlet leader, Musa Masunga. They then visited the scene and found a decomposed carcass without flesh. That dead body had a blue and white striped vest on top. They also found a trouser and a mosquito net near the deceased body. He could not identify the trouser for it was dirty, covered with sand.

This witness told the court further that he doesn't know the killer, but they suspected the accused Nzumbi Sitta as he is the only person who lived with

the deceased and that though was around at his home that day, he did not attend the Mwano and his house was found with blood.

PW2 went further stating that, the deceased and the accused had a land dispute in court and a misunderstanding after the deceased had threatened to kill the accused Nzumbi Sitta which was reported in court, but parties were advised to settle it at a family level.

PW3, is one **MUSA MASUNGA, also** resident of Mwasinasi, a Hamlet chairperson for Zanagi. His evidence is on how he attended the '*Mwano*' on 18/4/2017 evening hours after he was informed of the recovery of a dead body in the bush. At the scene of the crime, explained PW3, he found villagers already gathered. He witnessed a decomposed skeletal dead body on the ground with a vest cloth covering the upper part of the carcass.

Like PW2, this witness also said they also found a trouser and *chandarua* at four paces from the dead body which was identified by the villagers to belong to Machia Masunga (the deceased). The attempt to know what had befallen the deceased from the accused could not bear fruit because the accused was nowhere to be located.

Testifying on why the accused was named as a suspect in such circumstances, PW3 told the court that Nzumbi Sitta(the accused) and the deceased were living together and that they had several conflicts relating to the shamba and theft allegation reported by the accused against the deceased.

Attesting on the accused's arrest, PW3 said, he later received information from the accused grandfather named Ndatale Mukikulu, that the accused is in Migato village. He organized other villagers and managed to arrest the accused on 14/6/2017 at around 12. 30 hours at Migato village at a Traditional Healers' house. Answering defence counsels' questions during cross-examination, Pw3 said he had told the police that the dead body had a vest on it that aided the identification of the deceased as the dead body was so decomposed such that its identity by physical appearance including facial appearance was impossible. And that Accused was suspected of killing the deceased because of running from the village after the incident.

ASSISTANT INSPECTOR MAHOHO gave his evidence as PW4. His testimony was that on 18/4/2017 at around 16:00hrs while at Bariadi police station together with his fellow police officers was assigned to go to Mwasinasi village, Zanagi hamlet to visit the scene after the discovery of a dead body on the same date at around 10:00 am. At the scene, Pw4 was instructed to draw the sketch map plan of the scene (exhibit P3) while others were assigned to record witnesses' statements.

Describing the scene, PW4 said they found remains of the backbone with a vest on it and a little bit of flesh on its lower part reflecting male's genital organs. There was also a trouser and a mosquito net near the dead body at a distance of like 20 meters from the dead body. He, in his drawings, indicated the position of the dead body, trees, river, a path, and the deceased house.

During cross-examination PW4, said the dead body was lying under the tree, it was just a skeleton remains without a flesh with an empty skull. There was nothing on the dead body that could aid the identification of the deceased. That, the vest found with the dead body was dirt to know its color.

PW5 is one **H 7169 DC JAMES KASAKULILO LUBARAJA** a police officer, investigation department. His evidence is essentially on the arrest of the accused person. He said he was on 14/6/2017 around 9:00hrs, instructed to organize a team of police officers to go for the arrest of the accused person with respect to Criminal Case File No. IR 1183 of 2017 at Migato village, Itilima District at Gapi Gilenga, the traditional healer homestead. They left as instructed to Migato where they found a gathering of people including MUssa Masunga, Zanagi hamlet chairperson from Mwasinasi Village who introduced the accused named Nzumbi Sitta to them. PW5 said, before arresting the accused he asked the accused if he knew Machia Madata Masunga and upon confirmation, they informed him that he is accused of murdering him. They then arrested the accused at 12.00 and took him straight to Bariadi Police station on the same date 14/6/2017 where they arrived at around 14:00hrs.

The last prosecution witness is **BENSON AN ASSISTANT INSPECTOR OF THE POLICE**, investigator of the case, and the recording officer of the accused's cautioned statement. His evidence was on how he received the instruction from his senior officer to have the accused who was arrested on 14/6/2017 interviewed in respect of the accusations he was facing. This witness said on 19/4/2017 at 10:00 am at Bariadi Police Station he received

file No BIR/IR/1183/2017 for investigation. The deceased was named Machia Madata Masunga and the accused was yet to be arrested. The file had statements of some witnesses and exhibits. He revisited the scene at Mwasinasi village to gather information on who is involved, and the suspect was Nzumbi Sitta.

He was on 18/6/2017 informed by Mussa Masunga (PW3), Hamlet chairperson for Zanagi kitongoji that the accused is at Migato village at a traditional healer. A team was prepared for the arrest of the accused and managed to arrest the accused. He said, on the same date that is 14/6/2017 just a few minutes after the arrival of the accused at the Police station, he took the accused from the CRO to the investigation room where they remained two of them. He introduced himself to the accused and informed him that he is accused of murdering the deceased Machia Masunga. This witness also told the court that the accused told him that he is named Nzumbi Sitta, 34 years of age, Sukuma by tribe, peasant, and resident of Mwasiasa village.

PW6 narrated further that, he informed the accused of his rights including that he may wish to give his statement on his own free will, and that if he proceeds to give his statement it can be used as evidence against him in a court of law. He has a right to call a lawyer or relative to be present during the recording of his statement. This witness said the accused, volunteered to give the statement in the absence of any person and that he signed by fixing his thumb print to signify his understanding of the explained rights and his readiness to give his statement.

PW6 said, the accused had told him many things but of relevant here is that he confessed to have murdered the deceased Machia Madata Masunga on the night of 24/3/2017 at around 21.30 hours by pounding him with a hoe handle. That at around 1.00 hours he took the deceased body and hide it in a nearby bush disclosing the reason for the killing as the dispute on who to administer the estate of his late grandfather. That after he had hidden the deceased body in the bush, accused said, he went back at his home where he stayed up to 18/4/2017 when he ran to Migato Village within Itilima District to a traditional healer for medication on how to escape arrest after the recovery of the deceased body where he stayed until his arrest.

After the recording PW1, said, he gave the accused his statement to read but he learned that he is illiterate. He then personally read out the statement to the accused for him to verify its correctness. And that the accused again fixed his thumbprint on each page of the statement after he had acknowledged that it contains the correct version of his own statement followed by PW1's signature on the said cautioned statement. In the end, the accused was returned to the police lockup and the statement was filed in the case file. He was specific that the accused's statement was recorded from 15.15 hrs. to 17.30 hours of 14/6/2017. The cautioned statement was admitted as exhibit P4 after a trial within a trial.

In his affirmed defence, the accused confirmed to have known the deceased as his uncle (baba mdogo) whom they lived together. He said he left his home to Gapi Gilenga's home in May 2017 leaving the deceased Machia

Masunga at home alive and that he doesn't know what killed the deceased. He was informed of the death of Machia Masunga through the accusations after his arrest and by the Justice of Peace. That he was arrested by Militia men in June 2017 at around 22.00 hrs. at Migato village (at Gapi Gilenga's house) taken to Migato Ward offices where he was remanded for two days and taken to Nkololo police where he also stayed for two days before he was conveyed to Bariadi Police station where he stayed for a week before he was interviewed by PW6. He said he was on several occasions taken out of the police lockup for the interview by PW6, but the investigator would sometimes record nothing in his papers. That he was engaged in a total of six interviews on which very few statements were recorded by PW1. Admitting having inserted his thumbprint on the statement, the accused said, he only signed the statement after being threatened that he would remain in Police remand custody forever. And that he was later in July 2017 taken to a Justice of peace where he again signed an empty white paper. He generally denied involvement in the commission of the offence

Mr. Vitus Dudu Defence counsel submitted that the prosecution did not prove their case beyond reasonable doubt while Ms Violeth Mushumbuzi the learned State Attorney was of the view that the prosecution managed to prove the accused guilt to the tilt.

I have considered the evidence from both parties. As alluded to above, the accused in this case is charged with murdering one Machia Madata Masunga, his own uncle (baba mdogo). The accused and the deceased were according to the prosecution case living in one homestead. The accused is said to have

gone missing two weeks before the recovery of the dead body in the bush at a distance of 150 meters from his house with the vests believed to belong to the deceased. It was the prosecution's case that the carcass found in the bush was the remains of the missing person named Machia Madata Masunga. Previous misunderstandings between the accused and the deceased, and the vanishing of the accused immediately after learning of the discovery of the dead body nearby were connected to the accused's culpability.

It is a trite law that the burden of proof in criminal cases lies on the prosecution side, and it never shifts to the accused. The degree of proof is beyond a reasonable doubt. Deliberating on this position the Court in **Nathaniel Alphonse Mapunda and Benjamin Mapunda V Republic** (2006) TLR 395, held:

*"i) As is well known, in a criminal trial the burden of proof always lies on the prosecution. Indeed, in the case of MOHAMED SAID V R this Court reiterated the principle by stating that in a murder charge the * burden of proof is always on the prosecution, and the proof has to be beyond reasonable doubt.*

ii) Where circumstantial evidence is relied on, the principle has always been that facts which an inference of guilt is drawn must be proved beyond reasonable doubt."

Also, in **Jonas Mkize v. Republic** [1992] TLR 213, the Court observed that:

"The general rule in a criminal prosecution that the onus of proving the charge against the charge beyond reasonable doubt

lies on the prosecution, despite our role and forgetting or ignoring it is unforgivable and is peril not worth taking."

And in **Mariki George Ngendakumana Vs the Republic**, Criminal Appeal No. 353 of 2014 Court of Appeal sitting at Bukoba (unreported), held *inter alia* that:

"It is the principle of Law that in Criminal Cases the duty of the prosecution is two folds, one to prove that the offence was committed, two that it is the Accused person who committed it"

The issue before this Court is whether the prosecution has discharged its burden of proof beyond reasonable doubts in respect of the charge of murder tabled against the accused contrary to Section 196 of the Penal Code. To secure a conviction, in this case, the prosecution is required to prove the following:

- 1. Death of Machia Madata Masunga*
- 2. Whether the deceased died a murderous death*
- 3. Whether it is the accused person, Nzumbi Sitta who killed the deceased.*

It should be noted here that, the whereabouts of the deceased were unknown and there is no clear information on when, and how the deceased left his home. No eyewitness of the incident and the recovered dead body could not assist in the identification of the deceased except for the cloth (vest) that was found on the skeleton remains of the body. Thus, the first important element of the offence against the accused to be proved here is the occurrence of the offence, that is whether the dead body found at the

scene is that of Machia Madata Masunga before going to the details on the cause of death and the killer.

There is no eyewitness in this case. The prosecution case rests entirely on circumstantial evidence even in proving the identity of the deceased person. This is possible as stated in the case of **Mathia Bundala V R**, Criminal Appeal No 62 of 2004 (unreported) where the Court of Appeal said:-

"We are aware of the practice that death may be proved by circumstantial evidence even without the production of the body of the alleged dead person..." (emphasis added)

(See also **Bombo Tomola V R** (1980) TLR 254).

I will analyze the evidence along those lines.

The prosecution's evidence given by PW1, PW2, PW3, and PW5 talks about the recovery of the dead body in the bush nearby the accused's house. According to PW1, (the Doctor), and as per the post-mortem report (Exhibit P 1), the decomposed body was macerated with missing the right upper limb, ribs, chest cavity contents, and abdominal contents. The left upper limb and lower limbs were intact with partial decomposition and according to the PMR, the missing of the dead body's parties was related to being done by wild animals. The Doctor also told the court that the identification of the body by physical examination was impossible due to the above-mentioned decomposition and destruction of the dead body. But he said, the body was identified to him by Minza Masunga and Mussa Masunga as one of Machia Madata Masunga.

Confirming the dead body's status on its recovery, PW2 said the deceased was only identified by vest that had covered the skeleton remains. This was also supported by PW3, Mussa Masunga who though claimed to have not personally identified the deceased, said the villagers had identified the vest that was covering the upper part of the dead body to belong to the deceased Machia Madata Masunga.

The question that arises here is whether the dead body found at the scene is that of Macha Madata Masunga. Though the prosecution's evidence points to the discovery of a dead body and the missing of the alleged deceased, the nexus between the two is suspicious. **Firstly**, is uncertainty about the missing of the alleged deceased person. According to PW2, the deceased went missing from the village on 24/3/2017, he could not question the information obtained from the accused that the deceased might have gone into the forest because the accused is used to going to the mining centers (porini). No evidence was adduced to ascertain whether the alleged Machia Madata Masunga is not in the named Mining centers or not and there is no involvement of the relatives to confirm the alleged missing of the deceased person.

Secondly, the doctor (PW1) who performed the postmortem examination and all the prosecution witnesses have deposed that it was not possible to identify whose the dead body was as the same was highly putrefied.

Thirdly, is the quality of identification evidence made with the aid of the vest found on the dead body. The prosecution evidence especially that of PW2, lacks details on why it is believed that the vest worn by the dead body

belonged to Machia Madata Masunga. It is common knowledge that the vest is a common cloth that is sold everywhere worn by men. The prosecution ought to have gone further to specify why the vest found on the recovered dead body is said to belong to the deceased and not any other man.

The evidence by PW3 also could not provide clarity on how the identity of the dead body found at the scene was arrived at. And though his evidence on identification of the dead body was a hearsay, for he did not personally identify the deceased by physical appearance nor by the clothes found at the scene, this witness is the one who introduced the dead body to the doctor and PW5 as that of Machia Madata Masunga. Speaking on how the body was identified, PW3 said the villagers had identified the vest to belong to the deceased Machia Madata Masunga. This evidence is weak to be relied upon by the court.

It should be stressed here that; murder case is not as simple as it seems to be especially where the prosecution relies on circumstantial evidence. Its formations start with the proof of death of the named person in the charge sheet. This position was stated in **Hunay Langwen and three others v. Republic** [2005] TLR,154 that:

*"The crucial finding in any charge of murder or manslaughter is whether there is a person who has been killed. **The trial judge has to make a categorical finding that someone is really dead and should not leave that to be by way of inference.**" (Emphasis added)*

I understand that conviction can be entered against the accused person even where no dead body is recovered from the scene or anywhere, but this is only possible when circumstantial evidence adduced stands to prove the death of a missing person, the existence of murder, and the guilt of the accused in a sufficient manner to exclude every other reasonable hypothesis. In this case, both circumstantial and forensic evidence were necessary to establish this first and crucial element of murder.

As stated earlier, in this case, the prosecution has the advantage of having come across not only parts of the dead body and the allegedly deceased clothes but also knowing the deceased relatives including the accused himself. The collection of all the evidence obtained would have largely assisted the prosecution to explore through forensics investigation, be it DNA or other similar forensic tests available to establish that Machia Madata Masunga (deceased) is dead and not just missing before moving to look into other facts like death causation and the killer.

Frankly speaking, the prosecution, in this case, did not bother to investigate the matter. They have failed to connect the skeleton materials and the clothes found at the scene, with the named deceased person, Machia Madata Masunga. One would have expected the prosecution under the circumstances of this case to bring expert evidence, identifying the bones and the clothes found at the scene as that of the named deceased. There was no attempt to have even the human parties' remains recovered and the alleged vest believed to belong to the deceased referred for forensic investigation to ascertain whether they belonged to the named deceased

person. No distinguishing marks of the vest found on the dead body were given to prove that it belonged to the deceased. And no relatives of the allegedly missing person, Machia Madata Masunga were asked to provide any assistance to support the evidence and enable a comparative human identification of the recovered dead body.

In addition to the above, the prosecution evidence is contradictory. It is contradictory to the colour of the vest worn by the dead person and the condition of the accused's house. While PW4's evidence, who visited the scene told the court that the vest that was on top of the dead body was dirt to know its color, PW2 and PW3 who were at the same scene said the vest had blue and white stripes. Again, PW2's testimony was that they found blood in the accused's house but PW3, who attended the search of the accused at the accused's house with PW2 on the material date and time negates this fact saying that they found nothing in the accused's house. To say the least, the mismatching of the evidence of these two witnesses regarding the same incident attended by all at the same time raises doubt on whether such facts existed or not. And even if this Court is to believe PW2's story, still both common sense and legal mind would have failed to understand investigation machinery that ignores blood stains in the suspected killer's house and /or the killing pitch. This is not, in my view a minor discrepancy to be ignored by this court. It is a key variation that goes to the root of the case.

The issue of the previous misunderstanding between the accused and the deceased used by the prosecution to connect the accused with the alleged

murder was also left unestablished. It is alleged that the two had several disputes, including a land matter where the two had struggled on who should administer the clan land belonging to the accused's grandfather and a theft incident that was reported to PW3, the hamlet chairperson. Further, before the discovery of his body, the deceased is alleged to have threatened to kill the accused. Would this evidence alone support the accused conviction without more? Definitely No.!

It is the position well settled that suspicion, however grave, is not a basis for a conviction in a criminal trial even more so, in a serious charge of murder like the one at hand. See **Nathaniel Alphonse Mapunda and Benjamin Mapunda**(supra). In **Hakimu Mfaume v. Republic**, (1984) TLR 43, the appellant had quarreled with his wife, and they went together to his wife's parents where the quarrel continued. The appellant threatened that he would do something to his father-in-law. He then left. About two hours later, his father-in-law's house was ablaze. The appellant was arrested and charged with burning the house. The trial magistrate held that the appellant must have burnt the house because of the earlier threats he uttered. In allowing the appeal the court said:

*"There may be strong suspicion against him because of the threats he uttered. **But suspicion, however, strong is not sufficient evidence to convict.** Anyone may have set the complainant's house on fire, and not necessarily the appellant. The previous quarrels with the complainant should not be a base for convicting the appellant without any other evidence"* (Emphasis added)

The disappearance of the accused at the scene on the material date is also not proved. PW2 and PW3 told the court that the accused ran from the village immediately after the discovery of the deceased body. They all alleged to have seen the accused on the material date and that he ran to the traditional healer where he was later arrested. On his part the accused named transitional healer his relative and that he visited him in May 2017 leaving behind the deceased alive. This traditional healer was not called to testify on when and why the accused went to his home. On being probed on why Gapi Galenga, the traditional healer was not called as a witness, or even his statement recorded, PW6 the investigator said, he was not an important witness to them. I doubt this position taken by the prosecution. Since the accused linkage with the alleged murder is associated with his running from the village to Gapi Gilenga for medication to escape arrest, then Gapi Gilenga was an important witness as his evidence would have disclosed to the court when and why the accused landed in his house. This finding is arrived at while aware that the prosecution is not required to bring any number of witnesses to support its case, as provided for under section 143 of the Evidence Act, (Cap 6 R.E. 2022). Non-calling of this important witness is detrimental to the prosecution for it has left the accused's defence that Gapi Gilenga is his relative and that he visited him in May 2017 before the alleged death intact and therefore raising doubt about the prosecution case.

As stated earlier, to ground conviction on circumstantial evidence should be only where the court is assured that the inculpatory facts are capable of no other interpretation than that of the accused's ' guilty of the offense charged and that there are no other co-existing circumstances that would weaken or

destroy the inference. There are a plethora of authorities on this point including that of **Shabani Abdallah V. The Republic**, Criminal Appeal No. 127 of 2003 (unreported) where the Court of Appeal said: -

"The law on circumstantial evidence is that it must irresistibly lead to the conclusion that it is the accused and no one else who committed the crime." circumstantial evidence can only be relied upon to convict the accused after it is found and the same should leave no doubt as to the accused guilt."

The circumstantial evidence relied upon by the prosecution has failed to meet that test. It is scrawny and therefore unreliable.

Further to that, the doctor was unable to establish the cause of death because of the state of the dead body at the scene. He attested that the dead body might have been eaten by wild animals. This evidence is also supported by the Postmortem report relied upon by the prosecution. This kind of evidence is suspicious on whether the death of the person whose dead body was recovered was ferocious.

The prosecution has also relied on the accused's repudiated cautioned statement (exhibit P4) to establish the charge against the accused. To ground conviction on such kind of confessions, the established principle guiding the court says, the court must be satisfied that the confessions contain nothing but the truth. This is more so because there is no corroborative evidence found in the prosecution evidence. In the case of

Kashindye Meli v. Republic [2002] TLR 374, the Court of Appeal of Tanzania stated that:

"...it is now settled law that although it is dangerous to act upon a repudiated or retracted confession unless such confession is corroborated, the court may still act upon such a confession if it is satisfied that the confession could not but be true."

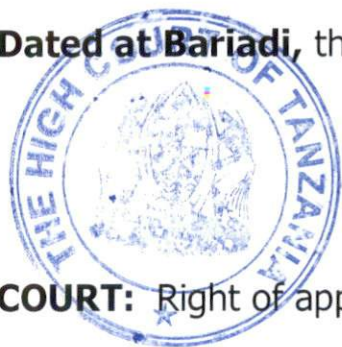
As stated in the preceding paragraphs of this decision, the prosecution has failed in this case, to establish an iron-tight link of the circumstantial evidence that leaves no doubt not only about the occurrence of the alleged crime but also about the guilty of the accused. This leaves the repudiated statement without corroboration.

Worse enough, no extrajudicial statement was tendered in court to support the accused's confession. Though the Justice of peace was reported sick, there was no attempt by the prosecution to tender her the statement under section 34 B of the CPA or even move the court to where the witness is to have her evidence recorded. This as well weakens the validity of the accused cautioned statement tended in court.

On the other hand, the accused's denial of the accusations was supported by the prosecution's case. Apart from distancing himself from the allegations tabled against him, the accused said he left his home in May 2017 to visit his grandfather Gapi Gilenga leaving behind the deceased alive. This defence without proof by the prosecution on why and when the accused landed to Gapi Gilenga hand has left the prosecution's case in doubt which is resolved in the accused's favour.

To this end, I have no hesitation that the evidence on the records has failed to support the prosecution's case. The circumstantial evidence on the records is so disengaged that it is not possible for the court to hold that the established circumstances lead to an irresistible inference that the accused person is guilty of the offence he stands charged. As a result, the accused, **NZUMBI S/O SITTA** is acquitted of the offence of murder. He is to be released forthwith from prison unless he is otherwise lawfully held.

Dated at Bariadi, this 5th October 2022



E.Y. Mkwizu
E.Y. MKWIZU

JUDGE

05/10/2022

COURT: Right of appeal explained.

E.Y. Mkwizu
E.Y. MKWIZU

JUDGE