

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(MWANZA DISTRICT REGISTRY)  
AT MWANZA**

**(ORIGINAL JURISDICTION)**

**CRIMINAL SESSION CASE NO. 111 OF 2019**

**THE REPUBLIC----- PROSECUTOR**

**VERSUS**

**INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI-----ACCUSED**

**JUDGMENT**

*Date of Last Order: 26.10.2022*

*Date of Judgment: 21.11.2022*

**M. MNYUKWA, J.**

The accused person, INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI stands charged with the offence of murder contrary to sections 196 and 197 of the Penal Code, Cap. 16 [RE: 2002] now [RE: 2022]. The prosecution alleged that on the 22<sup>nd</sup> day of February 2016 at Shede-Chakechake area within Nyamagana District in Mwanza Region, the accused INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI did murder one DAUD S/O PETER. The Accused Person denied the charge



and hence the full trial involving calling of eight (8) prosecution witnesses and one for the defence.

During the trial, the prosecution side, thus the Republic was represented by Mr. Hemed Khalid, Rehema Mbuya, Jainess Kihwelo and Sabina Choghoghwe, the learned State Attorneys while Mr. Kelvin Mutatina, the learned Advocate represented the accused person.

The trial was conducted with the aid of three assessors namely; Kassim Athumani (56 yrs), Mariam Chandela (47yrs), and Martin Katingizu (56 yrs). I thank the counsels for their time and efforts in the finalization of this case and I extend my thanks to the lady and gentlemen assessors who sat with me and stated their opinion based on the facts of the case. In summing up to the Lady and Gentlemen Assessors, all of them opined to find the accused INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI guilty of murder as charged.

The death of the deceased was among the undisputed matters which was agreed upon pre-trial and at the hearing in which the postmortem report was admitted as exhibit P2. The Doctor sufficiently proved that DAUDI S/O PETER died and his death was due to *haemorrhagic shock caused by lacerated urinary bladder as a result of a gunshot wound.*



To prove their case, the prosecution lined up a total of eight (8) witnesses namely, E9438 Detective Coplo Kenyatta (PW1), Kahima Jackson, a medical doctor (PW2), Peter Ndoshi Chalahani (PW3), Inspector Kikuro Marwa Masinde (PW4), Paulo Zabron (PW5), Damian Cosmas (PW6), Wallace Josiah Patrick (PW7) and Ashiga Mcharo (PW8). In line, they also tendered four documentary exhibits, that is, a Sketch map of the scene of crime (P1), Post Mortem Examination Report (P2), Identification Parade Register No. PF. 186 (P3), and Register Book of Shunu Health Laboratory (P4).

**PW1, E. 9438 Detective Coplo Kenyatta**, 51 years old, testified that, he is the investigator in the office of the RCO Mwanza. On 01/04/2016 he went to Kahama police station where the accused was held after he was arrested in connection with the murder case MWS/IR/10/57/2016. He went on that, they went to Kahama to take the accused person and that they used a private car and reached Mwanza at around 2:00 hrs and handed him over to the investigators who were dealing with a case.

When cross-examined, PW1 testified that, he handover the accused at Nyamagana police station and the accused was registered in the remand's book register. He also knew that, the accused was charged with murder but he doesn't know who murdered Daud Peter, the deceased.



**PW2, Kahima Jackson**, an adult 60 years old and a medical doctor, testified on oath that on 24/02/2016 while working as a medical doctor at Bugando Hospital, he conducted a postmortem to the body of a male person to whom he was informed that, he was called Daudi Petro aged 55 years old. On his examination, he found the body of the deceased with two wounds of different size, on the right side of the thigh and that, the wounds were caused by a bullet. He also found the deceased lower stomach had been swallowed and his left leg was shorter than the right leg. PW2 formed an opinion that the cause of death was due to excessive bleeding from bullet wounds. He read out loud **Exhibit "P2"**, the report on post-mortem examination that was admitted in the hearing.

**PW3, Peter Ndoshi Chalahani**, 32 years old take an oath and stated that, he is a businessman dealing with money business famously known as M-PESA. On 22/02/2016 while at around 20:00 hours two men went to his M-PESA office and asked to withdraw money from M-PESA, Tshs. 500,000/= and they postponed and left. He identified one among the two men who went to his office as the driver of *bodaboda* used to park at Butimba corner by the name of *DogoMaji*. PW3 went on that, he knew the accused before the day of the incident and he identified him on the scene as there were electric lights in his office and on that day he



wore the red t-shirt and jeans and the distance from where he was to where the accused stood was about one meter.

PW3 testified further that, at around 20:40 hrs at night three persons went to his office in which two men entered inside and ordered other customers to lay down on the floor and also ordered him to open the door but he did not open it. He went on that, he identified the accused as among the persons who entered his office and he was carrying a knife. He testified that, the accused stabbed his right hand with a knife twice. He raised an alarm but he received no help as the other two persons outside were shooting bullets in the air which made people run away. He went on that, the deceased who was disabled, attempted to run from the robbers, but he was shot and he fell down. PW3 stated that, he was at a distance of three meters approximately from where the deceased was shot and everything was visible because of the electric light.

PW3 went on that, the accused person and his fellow ordered him to open the door but he could not open and he was also shot at his right hand and the accused and his fellows forcefully opened the door and took the money and one mobile phone of Equity Bank. PW3 testified further that the accused and his fellow left the scene and he found himself at Bugando Hospital as he was unconscious and on 10/04/2016 he was



informed that the accused was arrested and he went to Igogo police station and identified the accused.

When he was cross-examined, PW3 stated that the accused did not shoot the deceased but his fellows who were together who he could not identify. He insisted that he knew the accused before the incident as the accused used to park at Butimba corner as his duty station in the *bodaboda* business which is a 20 minutes working distance from Butimba corner to Chakechake where PW3 was working.

**PW4 Insp. Kikuro Marwa** 43 years of age swore and testified that, on 14/04/2016 he was working at Igogo police station and supervised the identification parade where the accused person Innocent Sinaika @ Inzobonipa @ DogoMaji was identified. He testified further that, the accused was charged with armed robbery and murder with the file Ref No. Mwanza South IR 1057 of 2016 and was in police custody. He placed the accused between eight to ten persons who resemble the accused in terms of age, appearance and he informed the accused all of his rights including calling of his relative, or a friend if he wished to be present, also the accused right to change his position on the parade, to change the clothes, shoes and that the accused changed his clothes and position. The parade involved eleven persons including the accused person who was placed between the eighth and ninth person and the



witness identified the accused by touching on the shoulder when he was passing in front of him and when he was passing at the back.

PW4 added that, the other witness who was called Shimwana Hamisi came to identify the accused and this time around the accused changed his position and was positioned between the fourth and fifth persons. PW4 testified that, he filled in Police Form No. 186 which is the identification parade register, he tendered it in court and it was admitted as Exhibit P3.

When he was cross-examined, PW4 stated that he knows to fill PF No. 186 properly and he did not remark anywhere that the seventh person did not sign as there was no space for him to write and the accused person refused to sign.

**PW5 Paulo Zabron** 32 years of age Sworn and testified that he was involved in the identification parade that was conducted at Igogo police station on 14.04.2016 around 10:00 am. That he was placed in the 9<sup>th</sup> position in the identification parade and another person came and he was positioned on his right side. PW5 testified that another person came and identified the accused who is here in court by touching him in the shoulder when he was passing in front of the line and at the back. PW5 stated that, he signed the PF No. 186 and pointed out the finger to the accused as the person who was identified in the identification parade.





When cross examined, PW5 stated that the accused participated in the identification parade and when he was brought in the parade, he found them they have already lined up. PW5 insisted that he signed in his name and other person also signed except one person.

**Damian Cosmas testified as PW6.** It was his testimony on oath that, he is a retired police officer as he retired on January 2022 and that in 2016 he was still on duty and he was stationed at Igogo police station in the investigation unit. That on 23.01.2016 he was ordered by the OCS to investigate the case file concerned with the murder of one person named Daudi Peter. That, he went in the scene of crime and drew the sketch map of the scene of crime, interviewed the witnesses who were in the scene of crime and by that time the accused was not arrested as he was arrested at Kahama on 29.03.2016. That on 02.04.2016 when he was at his duty station, he received the accused from Kahama and that he took the accused cautioned statement.

**Wallace Josiah Patrick,** testified on oath as a seventh prosecutions witness (**PW7**). He was a businessman of selling airtime to different mobile network when the incidence happened on 22.02.2016. He testified that, on that day he was at Shede waiting his friend and suddenly the accused person who was driving a motorcycle with Registration No. MC 686 AWN came to the scene of crime. PW7 testified





further that, he used to see the accused person at Butimba corner in the place where is the parking of the motorcycle. He added that on the day of incidence, the accused parked his motorcycle a distance of three paces from where he parked. PW7 went on testifying that, he identified the accused person through an electricity light from multiple bulbs. He went on that, suddenly two men approached and entered in the M-PESA shop and after sometime one man came outside and ordered all persons who were in the surrounding area to lay down on the ground and shot the deceased who was disabled. He further testified that robbers took from him the airtime valued Tshs. 800,000/= and cigarettes valued at Tshs. 1,000,000/=.

PW7 testified further that, on 14.04.2016 he was called to go to Igogo police station to participate in the identification parade and he identified the accused person by touching him in front and at the back when he was lined up.

When he was cross-examined, PW7 testified that he knew the name of the accused person through a police officer and that he only identified the accused person who was before the court in the identification parade. He said that it was the accused's fellow who shot the deceased by a gun. PW7 was shown Exhibit P3 and he said that his name was not there but his signature was there and he said that the accused who was before the



court participated in the identification parade and that his name was on number seven. PW7 stated that the accused did not sign in the identification parade register and that eleven people participated in the identification parade.

**PW8 Ashiga Mcharo** was the last prosecution witness to testify under oath. He said that he is working at Shunu Health Laboratory as a laboratory assistant. That on 16.09.2022 while at his duty station one person introduced to him as a police officer from Mwanza and that he wanted to know if there was a patient called Innocent Sinaika who was treated or hospitalized at Shunu Health Laboratory on 22.02.2016. PW8 went on that, he checked the register and he didn't find the name requested. PW8 tendered the Register book that was admitted as Exhibit P4. When cross-examined PW8 stated that all patient who are treated at Shunu Health Laboratory are registered in the Register book.

After the prosecution case marked closed, this court ruled that, the accused person, in terms of section 293(2) of the Criminal Procedure Act (CPA), [Cap. 20 R. E. 2019], had a case to answer and was addressed in terms of section 293(2)(a) and (b), (3) and (4) of the Criminal Procedure Act [Cap. 20 R. E. 2019], whereas he chose to defend on oath without calling witnesses other than himself.



DW1 Innocent S/O Sinaika @Inzobonipa @Dogomaji, 31 years old, sworn and stated that, he was arrested for the offence of murder but he was charged with the offence of armed robbery in Criminal Case No. 3 of 2016 and the prosecution withdraw the charge against him. He stated that all eight prosecution witnesses who testified before the court, did not saw him killing the deceased. He also claims that, the prosecution witnesses testified that he was a *bodaboda* driver but they did not bring the said *bodaboda* in the court. He further testified that, though he doesn't know what is identification parade but on identifying Exhibit P3 there is his name without his signature.

DW1 further claims that prosecution witnesses testified that there were other persons at the scene of crime but were not brought to the court. He prayed the court to set him free as he was not involved in the offence charged.

When he was cross-examined, DWI stated that he was previously charged with the offence of armed robbery but he doesn't know who was the victim. He also claims that, on 22.02.2016 when he was alleged to have committed the offence charged, he was at Kahama, Shinyanga.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, likely representing the initials 'NH'.

Having heard the prosecution and defence witnesses, there is no doubt that DAUD S/O PETER is dead and his death was unnatural. The issue for determination is who caused the deceased's death.

The first long-established principle in criminal justice is that of the onus of proof in criminal cases, that the accused committed the offence for which he is charged with, is always on the side of the prosecution and not on the accused person and the standard of proof is beyond reasonable doubts. See section 3, 110 and 112 of the Evidence Act, Cap.6 [RE: 2002], now [RE: 2022]. The same was emphasised in a number of cases by the Court of Appeal of Tanzania as seen in the case of **Mohamed Haruna @ Mtupeni & Another v R**, Criminal Appeal No. 25 of 2007 when the Court of Appeal, held that: "

*"Of course, in cases of this nature, the burden of proof is always on the prosecution. The standard has always been proof beyond a reasonable doubt. It is trite law that, an accused person can only be convicted on the strength of the prosecution case and not on the basis of the weakness of his defence."*

To recap, the instant case before me, is a murder case, and having established that the death of the deceased was an unnatural death, the crucial point is for the prosecution to prove that, whoever murdered the deceased had malice aforethought. The law by which the accused is



charged is clear under Section 196 of the Penal Code, Cap.16 RE:2002 now RE: 2022 which provides that: -

*"Any person who, with malice aforethought, causes the death of another person by an unlawful act or omission is guilty of murder*

Therefore, the prosecution needs to prove that it was the accused person either by an unlawful act or omission caused the death of DAUD S/O PETER, and two, that he acted with malice aforethought as stipulated under section 200 of the Penal Code, Cap. 16[RE: 2002] now [RE: 2022]. The Actus Reus is well proved for it is not disputed that the deceased DAUD S/O PETER died and the cause of her death was due to *haemorrhagic shock caused by a lacerated urinary bladder due to a gunshot wound* (exhibit P2). Heartlessly, the gunshot wound was brutally inflicted on the vulnerable part of the body of the deceased, therefore, the assailants did it with malice aforethought and there is no dispute that the assailant contemplated and intend to kill.

Tasking, and the most contentious issue before me and which prompted the trial of this case is *whether it was the accused person, Innocent s/o Sinaika @Inzobonipa @Dogomaji who by his unlawful act or omission did cause the death of Daudi s/o Peter, the deceased.*



The prosecution had eight (8) witnesses that were PW1-PW8, who testified in connection of the accused person and the death of the deceased Daudi s/o Peter as against the accused person who gave his evidence under oath as DW1, denied the charges and has no witness.

First, the evidence of a medical doctor, PW2 established that the deceased died and the death was unnatural. Secondly, PW1, PW4 and PW6 police officers, testified to have arrested the accused person and investigated the case. The accused did not deny the evidence of PW1, PW2, PW4 and PW6 at the trial.

Third, from the evidence of PW3 and PW7 testified to have witnessed the commission of the offence of murder and able to recognise and identify the accused on the process, it is imperative that, with all other evidence, I have a testimony of the eye witnesses. PW3 and PW7 testified to recognise the accused at the scene of crime which was committed at night, therefore, I find it wanting, to first determine as to whether there was positive identification/ recognition of *the accused which left no doubt or mistaken of identity*.

Undoubtedly, the law of visual identification is that, such identification must be watertight to form a conviction. It is pertinent that I refer to the guidelines on visual identification as stated in a landmark



case of **Waziri Amani v Republic** [1980] T.L.R. 250, the Court made the following observations regarding this kind of evidence:

*"... evidence of visual identification, as Courts in East Africa and England have warned in a number of cases, is of the weakest kind and most unreliable. It follows therefore, that no court should act on evidence of visual identification unless all possibilities of mistaken identity are eliminated and the court is fully satisfied that the evidence before it is absolutely watertight".*

In the instant case, the relevant visual identification evidence from PW3 and PW7 is one of the recognition. While we are mindful of the position that identification by recognition is much easier and more reliable than the identification of a stranger, we are, however, also aware that, even in such evidence, the possibilities of mistaken identity cannot be ruled out. In **Juma Magori @ Patrick and 4 Others v. Republic**, Criminal Appeal No. 328 of 2014 (unreported), the Court cautioned about the danger of mistaken recognition thus:

*"...we are also aware that 'recognition evidence could not be trouble free' as was stated by Lord Lane in R. v. Bendy [1991] Criminal Law Rex 620 (CA), as even mistakes in recognition of close relatives and friends are often made".*





It was further stressed by the Court of Appeal in **Elipafula Timotheo v. Republic**, Criminal Appeal No. 350 of 2014 (unreported) that:

*"Whenever reliance is placed on evidence of visual identification or evidence of recognition, this Court has invariably insisted that courts should only act on such evidence after eliminating all the possibilities of mistaken identity and the potential miscarriage of justice".*

(see; **Shamir John v Republic**, Criminal Appeal No. 202 of 2004 CA (unreported), **Yusuph Sayi & 2 Others vs R Criminal** Appeal No. 589 of 2017 and **Mabula Makoye & Another vs Republic** Criminal Appeal No. 227 of 2017)

Guided by the above authorities, in my determination, therefore, I subject the evidence of PW3 and PW7 on detailed and careful inquiry to find if at all, they stood a chance to proper and honest identification of the accused person at the scene of crime.

Starting with the evidence of PW3, it was his testimony that, on a fateful day, at around 20:00 hrs, the accused and his fellow went in his M-PESA business and asked to withdraw money from M-PESA and left without making any transaction to withdraw the money as he made him to believe. He testified that, he again went back at around 20:40 hours, and this time around he came back with other two persons who entered



his office and the accused stabbed him on his hand twice and the other person kept on firing guns outside and killed the deceased. PW3 testified that, before the incident, he knew the accused, and on the scene of crime he recognised him for he come twice wearing the same dress he recognises, and though it was night, there were multiple electric bulbs that were illuminated in the scene of crime and he took time to rob him and PW3 knew the accused before the day of incidence as he was *bodaboda* driver who used to park at Butimba corner and he observed him when the incidence happened.

Similar evidence was that of PW7 a businessman who was selling airtime. PW7 testified to have identified the accused on the scene of crime. PW7 testified that, he identified the accused whom he knows and on the day of the incident he came with a motorcycle and parked near to him and was joined by the persons who ordered people to lie down and the accused entered the M-PESA shop robed PW3 and came to him and robbed him and in the process the deceased was shot. PW7 testified that, he knew the accused before the incident and he was able to identify him by the aid of the electric bulbs which were illuminating in the scene.

Having recalled what was testified by PW3 and PW7 before this court, I now subject their evidence to find out if the accused person was positively identified and indeed there was no mistaken identity.



First, PW3 and PW7 established that, they both knew the accused person before the incident as a *bodaboda* driver who used to park at Butimba corner which is a walking distance to the scene of crime and therefore generates a high degree of correct identification.

Second, it is undisputed either by the prosecution or the defence that, the incident of murder occurred at night at around 20:40 hrs and, a light was needed for proper identification. Giving attributes that helped PW3 and PW7 identify the accused in their evidence, they testified that, the area was illuminated by multiple bulbs powered by electricity. PW3 went further to testify that, the accused entered his office in which there was a light that made him properly identify the accused. Again, I find the circumstance were favourable for the accused identification.

Before I rule out that the accused was positively identified, I proceed to weigh the credibility of the PW3 and PW7, for eyewitness testimony can be a very powerful tool in determining a person's guilt or innocence but it can also be devastating when false witness identification is made due to honest confusion or outright lying. In **Jaribu Abdalah v Republic** [2003] TLR 271, CAT, quoted with authority in the case of **Mawazo Mohamed Nyoni @ Pengo & 2 Others vs Republic, Criminal Appeal No. 184 of 2018** held that: -



*"In a matter of identification is not enough merely to look at factor favouring accurate identification equally important is the credibility of the witness, the ability of the witness to name the offender at the earliest possible moment is reassuring though not a decisive factor"*

From the evidence of PW3 and PW7 that, they were both at the scene of crime, the testimony which was not disputed by the accused, I equally find PW3 and PW7 credibility not questionable for the reasons that; first, both managed to establish all the factors favouring accurate identification, and secondly, they managed to establish that the accused took time at the scene when they were robbing and PW3 testified that the accused went twice, and thirdly, they both identify and recognise the clothes which the accused was wearing and for the testimony that PW3 and PW7 knew the accused before the incident, PW3 named the accused at the early time to the police and even wrote a statement that, the accused was the one who shot him with pistol and stabbed him with a knife. In the case of **Marwa Wangiti Mwita & Another vs. Republic**, Criminal Appeal No. 06 of 1995, the Court of Appeal held that: -

*"The ability of the witness to name a suspect at the earliest opportunity is an important assurance of his credibility; in the same way as unexplained delay or complete failure to do so should put prudent court to inquire"*



Therefore, despite the defence by DW1 that he was not present at the fateful date, he did not prove his defence of alibi to the standard required. In fine, I proceed to hold that, PW3 and PW7 are credible witnesses and their evidence can be relied upon by this court.

Furthermore, the prosecution witnesses specifically PW3 and PW7 who testified under oath to have eye witnessed the death of the deceased, they testified to the effect that, the accused was with other robbers and that one of the robbers did kill the deceased in executing the mission of armed robbery. From the piece of evidence testified by PW3 and PW7, it is quite clear that, the issue of the common intention cannot be ignored. Much has been said and written on "*common intention*" as a basis of criminal liability. The law is settled under section 23 of the Penal Code Cap. 16 RE 2002 (now RE: 2022) which reads: -

**23.** *"When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence".*



Much guidance on this may be obtained from the decision of the Eastern Africa Court of Appeal in the case of ***Wanjiro Wamiero & Others vs. R***, (1955) 22 EACA at page 523 where the Court, in relation to section 21 of the Kenya Penal Code which was identical with our section 23 of the Penal Code cited above held that: -

*"... in order to make the section applicable, it must be shown that the accused had shared with the actual perpetrators of the crime, a common intention to pursue a specific unlawful purpose which led to the commission of the offence charged ..."*

In this particular case, it was only the accused who was arrested and arraigned before this court for the murder of the deceased. The evidence of PW3 and PW7 who positively identified the accused person on the scene of crime, testified before this court that the murder of the deceased was a result of a robbery where the accused was part of the robbers and in the process, one of the robbers accompanied with the accused shot the deceased.

As I have earlier on indicated, in his defence the accused, DW1 denied to have involved in the commission of the offence charged and he raised a defence of alibi at the earliest opportune time, his notice was to



the effect that, when the complained act was committed, that is on 22<sup>nd</sup> day of February 2016, he was at Shunu Health Dispensary where he was hospitalized and got medical treatment. In his oral testimony, when he was cross-examined, the accused just stated that, on the incident day he was at Kahama without any further explanation to raise a reasonable doubt. In **Ali Salehe Msutu v. Republic** [1980] TLR 1, it was stated that: -

*"As a matter of law an accused person is not required to prove his alibi and that it is sufficient for him if the alibi raises a reasonable doubt."*

It goes without say that, the oral testimony of DW1 failed to raise a reasonable doubt which compelled me to hold that he failed to furnish his defence of alibi to the standard required and therefore his defence of alibi fails as I accord no weight on it.

In our present case, the defence side tried to challenge the identification parade, particularly the absence of the accused signature in the identification parade register by making this court to believe that the accused did not participate in the identification parade. My task at this juncture is to determine whether or not the absence of the accused signature goes to the root of the matter, to the extent that it cannot be used against the accused person. It is a settled position through a case





law that, an officer who conducted the identification parade must follow some rules as they are provided in the case of **Republic v XC – 7535 Venance Mbuta** [2002] TLR 48. One among of those rules is the officer conducting the parade will finally check his entries in the identification parade Register and will sign the space provided and the officer who conducted parade may be required to give evidence.

Reverting to our case at hand, it is my view that, the officer who conducted parade, PW4 complied with the rules as cited in the above case. Though it is true that, PW4 was obliged to check his entries into Exhibit P3 to ensure that, the same is in order and properly signed by the persons who attended the parade including the accused, it is my view that, failure of PW4 to endorse in writing that the accused refused to sign is not fatal and did not occasion into a failure of justice to the accused person so long as an independent witness who was involved in the identification parade testified under oath that, they lined up with the accused in the identification parade and the accused was identified. For that reason, I find the argument of the defence side to have not signed did not shake the credibility of PW7 who identified the accused in the identification parade and the evidence of PW5 who lined up with the accused in the identification parade.



In final, I have reached the following conclusion; The law is settled that the accused ought to be only convicted on the strength of the prosecution, and I am satisfied that, the prosecution's evidence is credible and reliable. I do not think that, the positive evidence of PW3 and PW7 is shakeable. I am in accord with all assessors that the prosecution has proved their case beyond reasonable doubt against INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI the accused person. In the event, I find that INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI is guilty as charged. I, therefore, convict him for murder contrary to sections 196 and 197 of the Penal Code Cap. 16 [RE: 2002] now [RE: 2022].

**DATED at MWANZA** this 21<sup>st</sup> November, 2022



M.MNYUKWA  
**JUDGE**  
21.11.2022

**SENTENCE**

Since INNOCENT S/O SINAIKA @INZOBONIPA @DOGOMAJI, the accused has been convicted of murder, I hereby sentence him to death by hanging.

M.MNYUKWA  
**JUDGE**  
21.11.2022

Right of appeal explained to the parties.



M.MNYUKWA

**JUDGE**

21.11.2022