

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
MBEYA DISTRICT REGISTRY
AT MBOZI
CRIMINAL SESSION CASE NO. 27 OF 2020
REPUBLIC
VERSUS
NJALALIKO SAID SICHOCHE

SENTENCE

Date of last order: 24th November, 2022

Date of ruling: 29th November, 2022

NGUNYALE, J.

The accused is arraigned before this court on information of murder contrary to section 196 and 197 of the Penal Code [Cap 16 R: E 2019 now R: E 2022]. When the charge was read to him, he pleaded not guilty to murder but has offered to plead guilty to the lesser charge of manslaughter, an offer has been accepted by the prosecution. After the information of manslaughter being read over to him, he plead guilty. Facts of the case was read to him to which he has agreed that they are correct. Following his own plea of guilty, the accused Njalaliko Said Kisoche he is

convicted of manslaughter contrary to section 195 and 198 of the Penal Code.

During aggravating factors, the prosecution prayed for stiff sentence which will be a lesson to him and others. While on mitigating factors the defence stated that the accused is the first offender, he has stayed in prison for four for years and is remorseful for what he did.

Having considered the aggravating and mitigating factors Under section 198 of the Penal Code the maximum sentence for manslaughter is life imprisonment. However, it gives flexibility to the presiding judge to exercise his/her discretion in sentencing depending on the circumstances of each case after considering both the aggravating and mitigating factors, the hilt being total incarceration for life. See the case of **Bahati John v Republic**, Criminal Appeal No. 114 of 2019, CAT at Mwanza (Unreported). To the above Tanzania sentencing manual, 2020 categorises the offence of manslaughter into three levels. On available facts that dangerous weapon was used to inflict injuries on the head which is a sensitive part of the body, then it fallows under high level which it attracts more severe sentence.

Taking all the circumstances, which led to the commission of the offence, it is beyond doubts that it was a result of fight and shortly before cooling of temper the accused inflicted multiple wounds on the body of the

deceased. Be that it may the fact the accused has pleaded guilty to the offence thereby saving the trial court and the Republic from needless trouble and expense both in time and money clearly demonstrated a spirit of contrition and being the first offender entitles him to consideration of more lenient treatment. In view of the above the accused is sentenced to eight years imprisonment which is subject to reduction of four years he has spent in custody. Then, it implies that, the accused shall serve a custodial sentence of four years for the offence of manslaughter contrary to sections 195 and 198 of the Penal Code [Cap.16, R: E 2022]. It is so ordered.

DATED at MBEYA this 29th day of November, 2022.



D.P. Ngunyale
Judge