

**THE UNITED REPUBLIC OF TANZANIA**  
**JUDICIARY**  
**IN THE HIGH COURT OF TANZANIA**  
**(MTWARA DISTRICT REGISTRY)**  
**AT RUANGWA**  
**ORIGINAL JURISDICTION**

**CRIMINAL SESSION CASE NUMBER 31 OF 2021**

**THE REPUBLIC**  
***VERSUS***  
**THABITI ABDALLAH NUKU**

**RULING ON SENTENCE**

**LALTAIKA, J.**

*16<sup>th</sup> March 2022*

The accused person before me is **THABITI ABDALLAH NUKU**. He has pleaded guilty of the offence of manslaughter. Apparently, the accused person is responsible for the death of **MAULID MSHAM KIPUNDILE** (the “deceased” a village militia.

There is no doubt that when the deceased was killed, he was playing an important role in upholding peace. The village office he was guarding was also doubling as a cell for offenders before they were taken to the police. His was an important function in keeping his village in particular and our country in general, peaceful.

It is disturbing to picture a situation where village militia and security personnel in general are attacked by armed civilians. If these acts are left to continue unchecked, they may lead to loss of the peace which is most precious to all of us. I have also been informed that the accused person was resisting arrest by the village militia. It is not acceptable to resist an officer of peace implementing a lawful order.

I have considered the mitigation. I am aware that the accused is an old man aged 58 and also as stated by counsel for the defence, suffers from chronic coughing. He has also been remorseful and admitted having committed the offence. This is a sign that he has learnt his lesson and is not likely, in the near future, to engage in actions that breach the peace.

In the upshot, I sentence you **THABITI ABDALLAH NUKU** to a jail term of 2 years for Manslaughter c/s 195 of the Penal Code Cap 16 RE 2019, on your own plea.

The right to appeal to the Court of Appeal of Tanzania fully explained.



A handwritten signature in blue ink, which appears to read "E.I. Laltaika".

**E.I. LALTAIKA**  
**JUDGE**  
**16/3/2022**