

THE UNITED REPUBLIC OF TANZANIA  
JUDICIARY

IN THE HIGH COURT OF TANZANIA  
[MTWARA DISTRICT REGISTRY]

AT RUANGWA

CRIMINAL SESSION NO 9 OF 2020

REPUBLIC

*VERSUS*

SAID HASSAN NG'ITU.....1<sup>st</sup> ACCUSED

AZIZI HASSAN MKOTO.....2<sup>ND</sup> ACCUSED

17/3/2022

LALTAIKA, J.

RULING ON SENTENCE

The accused persons have pleaded the lesser offence of manslaughter. Having gone through court records, I gather that the accused persons were drinking wanzuki a local brew. The first accused person had harbored inside his heart a promise to revenge. He had all along thought that the deceased was responsible for his being attacked a few moments before.

Some people say there is a tendency of someone taking alcohol so it can make it easy for him/her to implement an idea he had been harboring. We cannot, in the absence of concrete evidence, say with certainty that the accused intended to do this. However, we get a lesson on how dangerous unchecked furiousness fueled by alcohol can be. The 2<sup>nd</sup> accused on his part, was allegedly defending himself. However, he used excessive force.

The unique thing about this case from the records available in the court file is that the accused persons are in disagreement among themselves on who exactly killed the deceased. Is it the 1st accused person who attacked him with a *panga* or the 2<sup>nd</sup> accused person who attacked him with the *gongo* “log” on the head? This shows that none of them had malice aforethought or intention to kill. Nevertheless, they have acted recklessly and their act has cause death of an innocent person.

I take into consideration the mitigation including the fact that the duo has spent close to five years in jail. All in all, life is precious. It must be jealously guarded. Time in time out, this court has insisted that no one is justified to take away the life of any human being. Noteworthy in this case, alcohol consumption should not be a pretext for reckless fights and taking away innocent lives.

In the upshot, I sentence you SAID **HASSAN NG'ITU** and **AZIZI HASSAN MKOTO** to a jail term of two (2) years each.

Right to appeal dully explained.



*E.I. Laltaika*

**E.I. LALTAIKA**

**JUDGE**

**17/3/2022**