

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(IN THE DISTRICT REGISTRY OF ARUSHA)**

**AT ARUSHA**

**CRIMINAL SESSION CASE NO. 11 OF 2022**

*(Originating from PI No. 01/2021 Juvenile Court of Arusha)*

**THE REPUBLIC.....COMPLAINANT**

**VERSUS**

**LUCY JUMA.....ACCUSED**

Date: 05/05/2022

Coram: J.C. Tiganga, J

Ms. Akisa Mhando, Senior State Attorney for Republic;

Mr. Vicent Stewart Nyange and Joan Ndossi, Advocates for the accused person;

Accused **LUCY JUMA** is present under custody and represented by Mr. Vicent Stewart Nyange and Miss. Joan Ndossi, Advocates

C/C: Felister Bisangwa

Notice of trial on information for Murder c/s 196 of the Penal Code 16 [R.E. 2019] was dully served on accused now before the Court 05<sup>th</sup> May, 2022.

**Ms. Akisa Mhando, Senior State Attorney:** The matter is called for plea and preliminary hearing, we are ready to proceed.

**Mr. Stewart:** My Lord, our client has instructed us to ask the Court to allow her to plea to the lesser offence of Manslaughter.

**Accused via Social Welfare Officer:** My Lord, we have also agreed on that.

**Ms. Akisa Mhando, Senior State Attorney:** We have no objection, we pray to substitute the charge of Murder to Manslaughter c/s 195 and 198 of the Penal Code [Cap 16 R.E. 2019].

**COURT:** Charge substituted from Murder to Manslaughter c/s 195 and 198 of the Penal Code [Cap 16 R.E. 2019]. The charge/information of Manslaughter c/s 195 and 198 of the Penal Code [Cap 16 R.E. 2019] read over in camera and the accused is required to plea to the same in camera in the presence of the Social Welfare Officer and plead that:

**Accused plea:** It is true my Lord.

Entered as a "plea of guilty".

**SGD: J.C. TIGANGA**

**JUDGE**

**09/05/2022**

### **FACTS OF THE CASE**

My Lord, the accused is Lucy Juma and was 15 years when she committed the offence, she was a resident of Olasiti in Arusha District. She is charged with Manslaughter c/s 195 and 198 of the Penal Code [Cap 16 R.E. 2019]. She committed the offence on 19/06/2021 in the Morning at Olasiti in Arusha District, Arusha Region where the accused person was accused to have caused the death of the deceased by strangulating her neck.

Before that incident, the accused person was employed as a house maid, by Oswald Mtaroni, as a babysitter of the child called Tiffan Oswald who is the deceased. On the fateful day in the morning, the accused was in the house of Oswald taking care of the deceased. Few minutes later,

Hadija Ally, who is the fellow tenant of Oswald Mtaroni, heard the voice screaming asking for help from the home of Oswald Mtaroni. When she entered in that house, she found the deceased lying down unconscious while his tongue was out and he had already stung her tongue, something which indicated that she was strangled.

She also found the accused person, in the state which he could not explain, and found so many people out of the house.

After seeing that situation, Hadija Ally informed Oswald Mtaroni. The deceased was taken to Mount Meru Hospital for treatment where, she was found and pronounced dead after the initial examination.

The examination was conducted and it was revealed that the deceased died due to insufficient oxygen. The Police were informed and the accused was arrested while at the home of the deceased and was taken to Muriet Police station for further legal action. Thereafter, the accused person was charged before your court and to day has pleaded guilty. My lord, we pray to tender the postmortem examination report, here in court.

**Mr. Stewart: Adv.** We have no objection.

**COURT:** Post Mortem examination report "legal" is admitted and marked as exhibit P.1.

**SGD: J.C. TIGANGA**

**JUDGE**

**09/05/2022**

**COURT:** Exhibit P1 read loud in the court as required in law.

**SGD: J.C. TIGANGA**

**JUDGE**

**09/05/2022**

That is all my Lord.

**COURT:**

**Accused's response to the facts:**

1. I admit my name and personal particulars as they appear in the facts and charge.
2. I admit to be employed by Mr. Oward as a house girl, where my duty was to take care of their child Tiffan;
3. I admit to be left at home with the child;
4. I admit to strangle the child who suffocated and died instantly;
5. I admit to be arrested, taken to police and later charged to court;
6. I admit to have confessed the offence and pleaded guilty.

That is all.

**MEMORANDUM OF UNDISPUTED FACTS:**

- (i) The accused has admitted to his names and personal particulars as they appear in the charge sheet:
- (ii) Accused has admitted to be employed as a house girl by Oward, and her duty being to take care of the child:
- (iii) The accused has admitted to have strangled the child Tiffan Oward to death:
- (iv) She also admit to be arrested and charged and that today has pleaded guilty.

Signed by the Accused: SGD 09/05/2022

Signed by SWO: SGD 09/05/2022

Signed by Advocate: SGD 09/05/2022

Signed by SSA: SGD 09/05/2022

I certify that parties have signed before me.

**SGD: J.C. TIGANGA**  
**JUDGE**  
**09/05/2022**

**FINDINGS**

Having heard the accused persons plea to the charge sheet of Manslaughter c/s 195 of the Penal Code [Cap 16 r.e. 2019], and the facts of the case, I hereby find the accused person guilty of Manslaughter and convict her after being satisfied that her unequivocal and clear.

It is so ordered.

**SGD: J.C. TIGANGA**  
**JUDGE**  
**09/05/2022**

**PREVIOUS CRIMINAL RECORD:** No previous Criminal record, we pray that the sentence be in accordance with the law.

**DEFENCE:**

**SOCIAL WELFARE OFFICER:** My Lord, the accused is a child we pray that she be sentenced according to the law, we pray to inform the Court that she was proved not to be of crook behaviour when she was arrested. We pray to inform the court also that social welfare will take her home for the care of her parents.

That is all.

**Mr. Stewart:** The accused is a child of 16 years as of now, and needs to be in school, also, the accused came to Arusha for employment. She has no father is dead and her mother has no source of income, she has been in remand home for almost one year.

Lastly even the Police officer who interrogated her says that she has some mental problem. It is our prayer that she be discharged so that she can go for education and treatment.

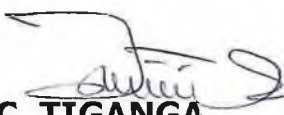
That is all.

**SGD: J.C. TIGANGA**  
**JUDGE**  
**09/05/2022**

**SENTENCE**

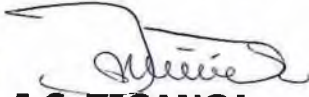
Taking into account the facts that the accused person is a child below 18 years, also that she has pleaded guilty to an offence charged and all other factors said by the Social Welfare Officer, the defence counsel and learned Senior State Attorney. Basing on the law which does not allow custodial sentence to the accused person of this sort. I thus sentence her to unconditional discharge and direct that she be taken back to her parents. This order be executed by the social welfare department.

It is so ordered.

  
**J.C. TIGANGA**  
**JUDGE**  
**09/05/2022**

Sentence pronounced in camera in the presence of the persons as to per coram.



  
**J.C. TIGANGA**  
**JUDGE**  
**09/05/2022**