

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

**(IN THE SUB-REGISTRY OF MWANZA)**

**ORIGINAL JURISDICTION**

**AT MWANZA**

**CRIMINAL SESSION CASE NO. 150 OF 2021**

**THE REPUBLIC**

**VERSUS**

**LUCAS S/O JACKSON @ PHILIBERT**

**ORDER/SENTENCE**

Having considered both the accused's antecedents and the mitigating factors, I have the following to observe. The accused has no record of previous convictions. He has pleaded guilty to the charge hence saving time and expense. The accused acted in self defence as he was not only defending his own life but also defending the property. Such defence is statutorily prescribed by the law of the land. This is clear under sections 18, 18A, 18B of the Penal Code. The accused was threatened to be injured and both his life and the safety of his property were in danger. The retaliatory force was commensurate with the force that was used to endanger him. For those reasons, I find that the accused deserves leniency.

Having taken into account the nature of the offence the character of the accused and the fact that it is inexpedient to inflict punishment and after considering that a probation order is inappropriate I make an order discharging the accused absolutely u/s 38(1) of the Penal Code [Cap. 16 R.E. 2019].



  
W.P. Dyansobera  
**Judge**  
**13.05.2022**