

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(IN THE SUB-REGISTRY OF MWANZA)

ORIGINAL JURISDICTION

AT MWANZA

CRIMINAL SESSION CASE NO. 130 OF 2021

THE REPUBLIC

VERSUS

ROBERT S/O CHEREHANI

ORDER/SENTENCE

I have considered both submissions from either sides. There is no dispute that the accused being a first offender and having pleaded guilty to the charge militates against imposing a stiff sentence. Equally true is the fact that the accused retaliated after he was insulted by the deceased and after his private parts being pulled.

However, I am in no doubt that the reaction the accused undertook was, in the circumstances of the case, high-handed and avoidable.

In the first place, the deceased being the accused's beloved wife had to be accorded protection and not assault.

Second, the accused being aware that he was a HIV positive, had to be more passionate when his prayer for sexual intercourse was jilted.

Taking into account all these factors together with the age of the accused (74 years), I sentence the accused to twelve (12) months term of imprisonment.

Rights of appeal explained.



W.P. Dyansobera

Judge

11.05.2022