

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE SUB-REGISTRY OF MTWARA  
AT MTWARA  
CRIMINAL SESSION NO. 37 OF 2023**

**THE REPUBLIC  
VERSUS  
SAIDI RASHIDI LUWANJA  
RULING ON SENTENCE**

10<sup>th</sup> & 17<sup>th</sup> January, 2024

**MPAZE, J.:**

On 10<sup>th</sup> January, 2024, this Court convicted the accused person for the lesser offence of Manslaughter under sections 195 and 198 of the Penal Code Cap 16 R.E 2022. The Court reserved the sentence, which is now going to be pronounced.

In the sentencing process, the Court diligently takes into account various factors and adheres to established sentencing guidelines to ensure a fair and appropriate sentence for the accused person. Both aggravating and mitigating factors have been considered in passing the sentence in this case.

The prosecution, in their plea, urged the Court to impose a severe penalty, asserting that the actions of the accused significantly impeded the life of the deceased, infringing upon a constitutional right. On the other hand, the accused, in his mitigation, prayed for lenience. I have considered the same and noted that:

Firstly, the accused is a first offender with no prior criminal record, indicating a departure from a pattern of criminal behaviour. Furthermore, the accused's plea of guilty underscores a genuine sense of remorse, and his confession to the police and before the justice of the peace demonstrates his readiness to repent for his actions.

Additionally, the plea of guilty has practical benefits, as it minimizes the costs and time involved in court proceedings. This consideration highlights the accused's cooperation with the legal process and willingness to take responsibility for his actions.

Examining the circumstances of the offence reveals that the deceased played a role in the events leading to the Manslaughter. This can be seen from the facts narrated by the State Attorney.

Moreover, the convict's mother depends on him, emphasizing his role as a provider within his family. This dependency adds a layer of complexity to the sentencing decision, as it impacts not only the accused but also his family members.

Lastly, the accused is in the prime of his life, an age at which the government typically relies on individuals for economic contributions. Recognizing this societal contribution may influence the court's decision, taking into account the broader implications of a potentially lengthy sentence.

In light of the facts of the case, aggravating and mitigating factors, and in consideration of Tanzania's Sentencing Guidelines of 2023, which provide for the maximum and minimum sentences for Manslaughter ranging from high to low depending on circumstances and how the offence was committed, this court is of the considered view that the offence with which the accused person has pleaded guilty falls under the high level. This is due to the weapon used, the seriousness of multiple wounds caused, which resulted in excessive bleeding, and the vulnerability of the part of the body of the deceased where the blow was directed.

However, this Court has also taken into consideration that the deceased's life was unjustly terminated, as she had a constitutional right to live. I have also empathized with the pain endured by the deceased's family in losing her loved one.

Based on all these factors, therefore, the Court finds that 10 years is appropriate as a starting point. Since the accused person pleaded

guilty, 1/3 of the 10 years is deducted, leaving 6 years and 8 months. The period spent in custody, which is 8 months, will also be excluded, resulting in a remaining sentence of 6 years. As such, the accused is hereby sentenced to serve six (6) imprisonment accordingly.

Nevertheless, I would like to urge members of the society, considering the prevailing trend of Lovers harming each other, I would like to counsel Couples and Lovers, when one partner betrays the other, resorting to violence is not the solution it is advisable to terminate the relationship and search for another who reciprocates Love. It should be remembered that moving on with life is preferable than prematurely ending one person's life, causing profound pain to their family and relatives.



It is so ordered.

**M.B. Mpaze,**  
**Judge**  
**17/1/2024**

**COURT:** Right of appeal fully explained.



**M.B. Mpaze,**  
**Judge**  
**17/1/2024**