

**IN THE HIGH COURT OF TANZANIA
(SUMBAWANGA DISTRICT REGISTRY)**

AT SUMBAWANGA

CRIMINAL SESSIONS CASE NO. 22 OF 2022

REPUBLIC

VERSUS

JACOB VICENT @MPONZI.....ACCUSED

JUDGMENT

10th & 11th June, 2024

MRISHA, J

The accused **Jacob Vicent Mponzi** was arraigned before this court for the offence of manslaughter contrary to section 195 and 198 of the Penal Code, Cap 16 R.E 2019 [Now R.E. 2022]. The particulars of the offence leading to his indictment as per the information which was presented before the court, are that on the 2nd day of May, 2020 at Mwazye Village within Kalambo District in Rukwa Region, the abovenamed accused person did cause the death of **Joseph s/o John @Mpenda** (the deceased).

Upon the information being read over and clearly explained to him in a language understood to him, the said accused person pleaded guilty and

the court entered his plea of guilty to the charged offence. Thereafter, the following facts of the case were read over to the accused person before he could be given an opportunity to comment on their correctness or otherwise.

The said facts were to the effects that on the fateful day in the morning around 0900 hours, the abovenamed accused person in cooperation with his father who is still at large, caused the death of the deceased person in the cause of torturing him on different parts of his body by using electric shock and beating him using electrical wire.

That, on the 10th day of June, 2024, the said accused person unequivocally pleaded guilty to the charged offence and he went further to admit the facts constituting the offence of manslaughter which he stands charged. Apart from that, the said accused person did not object the prayer of the prosecution side which urged the court to admit the sketch map of the crime scene as well as the Post mortem Examination Report which reveals that the cause of the deceased death was due to Cardiac Arrest resulted from Electrocutation.

Having considered that the accused person had pleaded guilty to the abovementioned lesser offence, further admitted to the facts constituting the charged offence and had no qualm about the

prosecution's prayer that the sketch map of the scene of crime and the post mortem examination report be admitted as exhibits, a prayer which was granted, thus making those documents to be admitted as Exhibit P₁ and P₂ respectively, the court consequently found him guilty and accordingly convicted him for the offence of manslaughter, as charged.

After hearing the submissions of the counsel from both sides regarding the aggravating and mitigating factors following the accused's conviction, it is now my turn to consider the appropriate sentence to be imposed upon the abovenamed convict. In so doing, I have taken into account a number of factors. First, I have considered the fact that the accused is a first offender as he has no previous criminal records.

Secondly, I have considered the fact that the accused was arrested at the crime scene and taken to the police station where he admitted his guiltiness and now before this court. That has not only demonstrated his repentance feelings towards what he did to the deceased person, but also it has saved a great deal of time and resources which would otherwise be misspent had the matter proceeded to a full trial.

Not only that, but also, I have taken into account the fact that the accused has been in remand custody for four (4) years and he is still a young person.

However, despite all those factors, it is my settled view that the accused deserves some kind of punishment for his conduct of punishing the deceased person who was suspected to have stolen the items belong to the accused's father, without following the laws of the land and this should serve as a lesson to others persons in the society with the like guilt mind.

In the circumstances, and due to the foregoing reasons, I believe that a sentence of four (4) years imprisonment will be a deserving punishment to the abovenamed convict. I therefore sentence the accused to serve a prison term of four (4) years in prison.

Order accordingly.



A.A. MRISHA
JUDGE
11.06.2024

DATED at SUMBAWANGA on this 11th day of June, 2024.



A.A. MRISHA
JUDGE
11.06.2024