

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
ECONOMIC AND CORRUPTION DIVISION
(IRINGA SUB REGISTRY)
AT IRINGA.**

**ECONOMIC CASE NO. 1 OF 2023
THE REPUBLIC
VERSUS
MWASEMA S/O RASHID BAKARI**

RULING ON SENTENCE

14th & 14th June, 2024

I.C. MUGETA, J:

The accused has been convicted of trafficking in narcotic drugs under sections 15(1)(a) & (3)(i) of the Drugs Control and Enforcement Act [Cap. 95 of 2019] read together with paragraph 23 of the 1st Schedule to, and Section 57(1) and 60(2) of the Economic and Organized Crimes Control Act [Cap. 200 R.E 2022]. The Republic, through Muzzna Mfinanga, learned State Attorney has pray for a heavy sentence considering the negative impact of narcotic drugs to user and the resources the government spends in fighting trafficking and use of the same.

In mitigation, Lazaro Hukumu, learned advocate, has prayed for lenience because the accused person is a first offender, has a wife and a child who is below 10 years of age, both depending on him and he is sick.

Indeed, the accused is a first offender and during trial he demonstrated to be ill. The two reasons are sufficient to warrant a lesser punishment if the law permits that discretion.

Trafficking in narcotic drugs is an economic offence by virtue of paragraph 23 of Cap. 200. This law, under section 60(2) provides punishment for economic offences as a jail term of not less than 20 years but not exceeding 30 years. However, under the same section, there is a proviso that where a deferent law imposes penal measures greater than those provided by Cap. 200, the court shall impose such greater sentence.

In this case, section 15(1) of Cap. 95 provides for a greater sentence of life imprisonment. This disapplies the sentence under Cap. 200. On that account, the applicable sentence is that under Cap. 95 which does not allow for exercise of court's discretion in sentencing. For that reason, I sentence the accused person to life imprisonment.




I.C. MUGETA

JUDGE

14/6/2024

Court: Delivered in the presence of the accused person, Muzzna Mfinanga and Lazaro Hukumu for the accused.

Sgd: I.C. MUGETA

JUDGE

14/6/2024