

**THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
MOROGORO SUB-REGISTRY
AT MOROGORO**

**CRIMINAL SESSION NO 33 OF 2023
REPUBLIC**

VERSUS

MASHAKA YAUMI JUMA

RULING

14th February, 2024

KAMUZORA, J.

The accused, Mashaka Yaumi Juma is charged for the murder of Juma Hussein, a traditional healer. The incident took place on 29th June, 2022 at Kilimanjaro village, Sungaji ward, Turiani Division within Mvomero district in Morogoro region. When the matter was called for recording accused's plea, the defence of insanity was raised by the defence side. This court made an order on 03/08/2023 pursuant to the provision of section 220 (1) and (2) of the Criminal Procedure Act, [Cap 20 R.E 2022] (the CPA) directing the accused person Mashaka Yaumi Juma to be sent to the mental Hospital for examination of his mental condition and a report



be made to this court subject to the provision of Section 220 (2) of the CPA.

Upon receiving a report from the Psychiatrist of Isanga Institution, the accused was called upon to plea to the information. I have clearly gone through the witness statements and all other documents tendered as exhibits. The record shows that the accused person was known by family members as a mentally ill person and he was sent to the traditional healer for treatment of mental illness but ended up killing the healer. When examined before this court, he was giving irrational answers, a sign suggesting his mental instability.

The report from Isanga Institution reveals that the accused person was seen talking to himself most of the time. He also had other abnormal features like difficult in sleeping, suspiciousness and hearing voices of people who were not seen by others. The report concluded that the accused was suffering from mental disorder Schizophrenia hence, he was insane during the time of committing the offence.

From that evidence, there is no doubt that the accused killed the traditional healer. Both the learned State Attorney and the defence counsel are in agreement with the findings by the Isanga Mental Institution that the accused was insane at the time of the commission of the offence. They thus urged this court rely on that report and make

special findings under section 219 of the CPA on the accused's state of mind at the time of commissions of the offence.

I am also convinced that the accused was mentally unstable at the time he committed the offence and therefore incapable of understanding the effects of his acts and controlling the result of his acts at the material time. That being the case, I hereby make a special finding under Section 219 (2) of the Criminal Procedure Act, [Cap 20 RE 2022] that the accused committed the offence because of his insanity and therefore, not guilty of the offence of murder as charged. However, since the offence committed involves physical violence, for purpose of ensuring the accused safety and that of the community at large, I make an order that the accused be detained at Isanga Mental Institution as a **Mentally Disordered Offender** under Section 219 (3) (a) of the CPA, [Cap 20 R.E 2022] until further orders by the minister responsible under section 219 (5) and (6) of the CPA. The officer in charge of the Isanga Mental Institution is further ordered to comply with the provisions of section 219(4) of the CPA.

Order accordingly.

DATED at MOROGORO this 14th day of February, 2024.


D.C. KAMUZORA

JUDGE

