

**IN THE HIGH COURT OF TANZANIA  
AT DAR ES SALAAM  
CRIMINAL SESSIONS CASE NO. 27 OF 2001  
REPUBLIC  
VERSUS  
MWINGIA BAKARI**

Date 8/2/2002

Coram:Luanda,J

Mr .Tangi State Attorney- For the Republic

Mr Mfungamtama – For the Defence

Present – Accused

Information is read over and explained to the accused person in his own Swahili language and required to plead thereto: True

Entered as a plea of guilty to the charge.

**B.M.Luanda  
JUDGE  
8/2/2002**

**FACTS**

**Mr Tangi:** My lord the accused is charged with manslaughter c/s 195 of the Penal Code. The incident occurred on 18/10/98 Mbweve Village Bagamoyo, Coast Region.

The deceased one Said Rajabu stole Tshs 15,000/= and 20 litres of cooking Oil from the accused hut where he conduct business,

when this took place the accused was not around. He has gone to a mosque. He left his nephew one Mwingira Bakari.

On coming back the accused was informed. The accused traced the deceased. He managed to get him. He requested him to return his properties. The deceased refused. The accused started beating the deceased. He used brick, iron bar and stick. The deceased suffered head injury and lost conscious the deceased was then referred to Tumbi Hospital. The deceased passed away the body was examined cause of death according to the report was head injury. Sketch plan was drawn on 12/10/98.

I wish to tender as exhibit post mortem and sketch plan.

**Mr Mfungamtama**: I have no objection my lord

**Ct**: Accepted and marked Exhibit P1 and P2 respectively

**Mr Manji**: I am over my lord

**Accd**: The deceased when I came from mosque, had my money on his hand. Also he had a bottle of beer. He started chasing me.

I thus took a brick and hit him

I sent him to hospital

**Ct**: The accused is hereby convicted as charged as per facts as amended.

**B.M.Luanda**

**JUDGE**

**8/2/2002**

Mr.Tanji: No previous record

**B.M.Luanda**

**JUDGE**

**8/2/2002**

Mr Mfungamtama: My lord I pray for leniency. First the accused is a first offender. Second, the deceased was the aggressor. Third, the accused was on self defence when been chased by the deceased. Furthermore the accused has been in remand since 1998 which is 3 years and 3 months. In addition he is an ulcer patient. These are hospital chits

**Ct:** Seen

Mr Mfungamtama : The accused readily pleaded guilty to the offence the accused is the only male child whom the family depend. The offence is not under minimum sentence Act. The court has power to impose sentence – not to repeat the offence again

**Accd:** I have nothing to add

**Sentence**

The accused is a first offender. I have taken into account the nature of the offence and mitigating factors. I sentence the accused to 18 months imprisonment.

**B.M.Luanda**

**JUDGE**

**8/2/2002**

I Certify this is a True Copy of the Original



**S.A.LILA**

**DISTRICT REGISTRAR**

28/10/05