

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

SUMBAWANGA DISTRICT REGISTRY

AT SUMBAWANGA

CRIMINAL JURISDICTION

SITTING AT MPANDA

CRIMINAL SESSION NO. 34 OF 2021

VERSUS

YOHANA ^{S/o} GINASA @ NGOSHA

17/02/2023 & 06/03/2023

JUDGEMENT

MWENEMPAZI, J.

The accused person is arraigned in this Court where he is charged with Offence of murder contrary to Sections 196 and 197 of the Penal Code [Cap 16 RE. 2019]. The prosecution side alleges that on the 03rd day of February, 2021 at Itenka Village, within Mpanda District in Katavi Region, the accused person did murder one person known as NELSON s/o LWICHE @ THOMAS @ NELSON s/o RWICHE.

When the information was read over to the accused person during plea taking and preliminary hearing, the accused person denied to have committed the offence, and so, the case had to be set for a full trial whereby the prosecution side summoned six (6) witnesses and tendered five (5)

exhibits while the defendant testified himself. He neither called any witnesses nor tendered any exhibit.

During the hearing of this case, the prosecution side was being led by Mr. Lugano Mwasubila, learned State Attorney while the defence was handled by Mr. Hamad Said Amour, learned Advocate. The efforts from both sides did not go unnoticed by this court, it is highly appreciated.

It is openly known that, in murder charges, the prosecution side must prove that the person at the dock as the culprit did inflict harm to the deceased and that he had malice aforethought to cause that harm and in so doing, the deceased did lose his life unnaturally.

To the deceased person, the fateful night was just as other nights to him as he was with his wife one NEEMA s/o BONIFACE whose statement was admitted in evidence as Exhibit P4. The two that night were drunk as they were walking back home from a local liquor bar. They then met three people, whereas one of three greeted the wife of the deceased, and the latter got furious as to why only his wife was greeted. The records revealed the accused person herein as the person who greeted the deceased's wife. The deceased and the accused then started at each other, and the latter strangled the former by the neck, the deceased's wife was on her heels after seeing her husband being attacked.



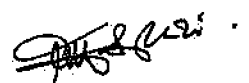
This story was also narrated by PW3, Ass/Insp. Godfrey Ruzabila Ndangala which I find best to reproduce the exact part hereunder;

"I remember on that date I received information that at Itenka 'A' hamlet a person has been killed. It was the killing of Nelson s/o Rwiche @ Thoma. After I got the information, I prepared police officers to go to the scene of crime.

At the scene of crime, we found the dead body in the maize farm and deceased's wife was around, Neema Boniface. I asked her what has happened.

Neema Boniface said on the 3/2/2021 evening hours they were together coming from liquor club heading for their homes. On the way they had a quarrel with her husband. Before they resolved their dispute three people appeared. She recognized and identified Yohana Ginasa @ Ngosha. She knew him. This Yohana Ginasa greeted Neema Boniface; she replied. Nelson Rwiche complained why the greetings were directed to Neema Boniface only. Ngosha replied by questioning whether greetings are compulsory. Yohana Ginasa strangled Nelson Rwiche on his neck, and Neema Boniface ran away to her home."

In addition to that, the witness statement (Exhibit P4) which was tendered by PW3 as evidence and read over in court as the witness herself



could not be found as revealed by the summons which was also tendered by PW3 as evidence and admitted as Exhibit P2, clearly narrates how the deceased and the accused person encountered each other on the fateful night.

Furthermore, PW6, WP 8227 D/Cpl. Jenesta testified that she was ordered to record the cautioned statement of the accused person. Despite his attempts to deny that he had not recorded any statement at the Police Station, but after a trial within trial was conducted, the denial was deemed as an afterthought and hence the accused cautioned statement was also admitted in evidence as Exhibit P5.

PW6 read the Exhibit P5 in court, and in it, the accused person conceded that;

"He had planned to kill the deceased because he had frequent conflicts with one WAZIRI S/O MAZIKU @ CHURA, and on that fateful night, the accused person and his associates met the deceased with his wife as they were from a local liquor bar, and as the accused greeted the deceased's wife, the deceased was furious and inquired the accused person as to why he only greeted his wife and the accused replied in a rhetorical manner that, are greetings compulsory? And the deceased was fired up and started a quarrel with the accused person, and that

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is when the accused person and his associates attacked the deceased and one of them strangled the deceased to death."

The records at hand reveals that, the body of the deceased was found in the maize farm belonging to ANISET ANDREA ZILIWA, PW4. In his statement, he said on the fateful night he got out of his house to answer the call of nature and he saw his neighbor lying in his farm, but as he went near the body, he realized that he had passed away. He therefore called his wife and later on informed the village leaders who in turn reported the incidence to the police officers.

Upon their response, the police officers arrived at the scene of crime being accompanied by a medical doctor, DR. WAMBURA WARIOBA (PW2) who conducted the autopsy on the deceased body and confirmed that he had unnaturally lost his life and it was due to lack of air. He said, the body of the deceased had no injuries and no any laceration but that the deceased had defecated and urinated which shows that the deceased died due to lack of air. PW2 then filled a Post Mortem Report which he tendered and was admitted as Exhibit P1.

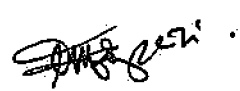
To this juncture, it is undisputed that the deceased had unnaturally met his death as the records in evidence reveal. In that, the prosecution side had proved the deceased person had lost his life unnaturally.



The next question is who is the perpetrator of the death of the deceased. In answering this, the prosecution side tendered the witness statement Exhibit P4 which was recorded by the deceased's wife one Neema Boniface, she was the only eye witness to this incident. In the statement which was read over in court by PW3, the witness clearly identified the culprit as he greeted her, and she replied. She recorded that as the deceased was furious as to why the accused only greeted her, she was able and undoubtedly identified the accused person because she knew him and at that night, they were under the moonlight.

Right after the incident, the accused person disappeared from the village, PW1, GODWIN ROBERT KAMSINI a militia man in his testimony told the court that;

"There we had to wait for the police officer Ndangala who came to record the statement of Neema Boniface. Then after the statement was recorded, the police officer asked me if I know Yohana Ngosha. I responded in a positive manner. He directed me to look for the person at once and arrest him, and we should look for the police officer and inform him. We made follow up to his residence where he had rented a room. We did not find him. He had already handed the room to the owner. The said Yohana Ngosha was absent. I continued to look for him.



On 28/2/2021 at around 20:00 hours, I received a call from villagers. They said Yohana Ngosha is at the bar drinking beer. I went to the place and arrested him and sent him to the hamlet chairman."

Now that the suspect has been arrested and taken to the police station, he recorded a caution statement at the station, PW6 did record the accused person as I have elaborated above. In his statement, the accused person said he had planned to end the life of the deceased as a solution of ending frequent conflicts that he had with one of his friends one WAZIRI S/O MAZIKU @ CHURA, but in a reality check, the major reason was that the accused person was suspected of having love affairs with the deceased's wife, this fact was at one point mentioned by NEEMA D/O BONIFACE in her statement, that her husband had suspected her to be in love relationship with the accused person and this even prompted up between them that very night before the accused person appeared.

As it has been established by the witnesses of the prosecution side that, the likelihood of the accused person to have murdered the deceased are too obvious than of a mistaken identity, in his defence, the accused person stated that;

"On the 3/2/2021 I was at the paddy field (mbungani), sesso near Imilamate it is the area close to Itenka. I went on January, 7th. I was transplanting rice. On 28/2/2021 I came from paddy field to come at

Itenka 'A' Village; when I arrived at the centre of Itenka I was arrested by the militiaman. He said that my friend died; they fought with his wife, Neema. And Neema was arrested. And they said since he was my friend, they put me under guard to await the police so that I may assist them in the investigation. When I went at the police station, I found Neema at the police station I stayed under guard. They started to take my statement. They asked me my name, my residence, religion and then they took me to the justice of peace."

Here, the accused person attempted to convince the court that he was not present at the village where and when the deceased was murdered, but in his own words did state that as he was arrested by a militia man, he was then taken to the police station and had his statement taken, a fact which he earlier tried to deny.

In the final submission, the defence learned counsel filed his written submission and submitted that as the prosecution side summoned six witnesses and tendered five exhibits, among the exhibits is the witness statement which was made by the only eye witness who claimed to have identified the accused person by the aid of the moonlight. The counsel insisted that nowhere as it has been stated on the intensity of the moonlight to enable the witness to identify the accused person. The counsel cited the case of **Julius Charles @ Sharabaro & Others vs Republic, Criminal**

Appeal No. 167 of 2017 [2018] TZCA 59 (19 July 2018); Media Neutral citation, where it was held that;

"Though under certain circumstances identification by moonlight may be possible, it was imperative in the circumstances to explain the intensity of the moonlight. Whereas PW2 merely said there was moonlight, the complainant said there was enough moonlight: It is our considered view that it does not suffice to say there was moonlight or enough moonlight. Its brightness had to be explained."

The learned counsel insisted further by citing the case of **Issa Mgara @ Shuka vs Republic, Criminal Appeal No. 37 of 2005** (unreported), where the Court of Appeal stated that;

"Even in recognition cases where such evidence may be more reliable than identification of a stranger, clear evidence of light and its intensity is of paramount importance. This is because, as occasionally held, even when the witness is purporting to recognize someone whom he knows.....mistakes in recognition of close relatives and friends are often made."

The learned counsel added that, as far as identification is concerned, it is their opinion that the said identification by the witness did not meet the threshold as required by the law.

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Nevertheless, the defence counsel also submitted on the cautioned statement of the accused person that, despite it being admitted in evidence by this court, the accused person retracted and/or repudiated it, saying he never made any statement. To top it up, the counsel for the accused also reminded this court that, in his defence, the accused person had testified that he was not in the village where and when the offence occurred.

In his conclusion, the learned counsel submitted that the charges against the accused person has not been proved beyond the required standards of the law. He supported his argument by citing several cases which are **Woomlington vs DPP (1935) AC 462**, **Edward D. Mwakamela vs Republic [1987] TLR 122** and **Richard Athanas vs Republic, Criminal Appeal No. 115 of 2002** (unreported), whereas all these cases entirely suggest that for the accused person to be found guilty, the charges against him must be proved beyond reasonable doubts, and the burden of proving that is always on the prosecution side. The Counsel prayed that this Court finds the accused person not guilty.

The prosecution counsel also filed a written submission as part of their final submission. He submitted that the question for determination is whether the accused person did cause the death of the deceased with guilt mind. In replying to this question, the prosecution counsel reflected the testimony of PW2 who examined the body of the deceased and confirmed

that the death of the deceased was unnatural and tendered the Post Mortem Examination Report which was admitted in evidence as Exhibit P1.

He added that, the only eye witness was the deceased's wife although she could not be found to testify, her statement was tendered and admitted in evidence as Exhibit P4. He said, this statement is quite strong as it directly implicates the accused person with the killing of the deceased, and this is because the witness clearly identified the accused person as he was not a stranger to her and that the two greeted each other before the battle of words exploded between the deceased and the accused person. The witness said, the confrontation lasted for about five minutes and she was only about two paces from the accused person, and that she was aided by the moonlight and as she was greeted by the accused person, she was able to recognise his voice.

The prosecution counsel insisted that such evidence is credible and reliable and even the accused person in his defence supported the fact that the deceased was his close friend and that he knew the deceased's wife too well before the incident. In support of his argument, the prosecution counsel cited several cases, firstly was the case of **Lazaro Felix vs Republic, Criminal Appeal No. 41 of 2003 CAT at Arusha** (Unreported) at page 4 which held that;



"We are of the settled view that since the appellant was known to PW1 for a long time there was no possibility of mistaking the identity of his assailant even though the light that was used for identification was from a torch light."

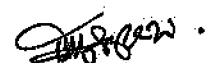
Secondly was the case of **Fadhili Gumbo & Others vs Republic [2006] TLR 50** where it was held that;

"Where the witnesses were close to allow proper identification and were not contradicted that they knew the appellants before the date of incident their identification by name cannot be faulted."

Thirdly, **Abdallah Rajabu Waziri vs Republic, Criminal Appeal No. 116 of 2004 CAT at Tanga** (Unreported) at page 10 the Court of Appeal held that;

"Where PW1 knew the appellant prior to the event and in a single roomed village house, light from a match box stick was sufficient for a proper identification and PW4 properly identified the appellant"

The learned counsel for prosecution insisted that the eye witness cannot be faulted because she gave consistent and uncontroverted evidence thus a credible witness, that the court had the same observations and he referred this court to the case of **Goodluck Kyando vs Republic [2002] TLR 363** where it held that;



"It is a trite law that every witness is entitled to credence and must be believed and his testimony accepted."

He submitted furtherly by referring to the evidence of PW1 the militia man who went to the house of the accused person in order to arrest him but he did not find him, and the land lord told PW1 that the accused person had disappeared on the midnight of 03rd February, 2021 and that he had handed over his room. That, the consequential implications subsequent to the conduct of the accused person of disappearing immediately after committing the offence was expounded in the case of **Paul Elias vs Republic, Criminal Appeal No. 07 of 2004 CAT at Mwanza** (Unreported), at page 07, it was held that;

"The conduct of an accused person before or after killing also infer malice.....it is also in evidence, and undisputed for that matter, that the appellant left the scene immediately after the killing. If he was innocent there was no need to hide. In our view the totality of his conduct after the killing was not consistent with innocence."

Mr. Mwasubila did not end there, he submitted further that, the accused person recorded a very detailed cautioned statement, Exhibit P5 although he attempted to repudiate that he did not make the statement, but unexpectedly he admitted to the contrary during trial within trial that he had his statement recorded by PW6. In this statement, the learned counsel insists

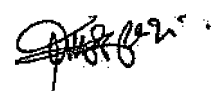
that the accused person openly admitted that he manifested the killing of the deceased, and that he had earlier planned to murder the deceased so that he continues to have an affair with his wife. In support of his submission, Mr. Mwasubila referred this court to the case of **DPP vs Nuru M. Gulamrasul [1980] TLR 254** where it was stated that;

"As the court has consistently pointed out in the past, the very best of witness is an accused who confesses his guilty..."

And in the case of **Hemed Abdallah vs Republic [1995] TLR 172**, it was held;

"Once the trial court having regard to all the circumstances of the case it is satisfied that the confession is true, it may convict on such evidence without any further ado."

He again submitted that, Exhibit P5 was voluntarily made by the accused person although at one point he attempted to convince the court that he was tortured but the learned counsel believes these allegations are just after thoughts because the accused person did not raise them immediately when the document was tendered, and PW6 was not at any point cross examined on the said allegations. He cited the case of **Shihoze Semi & Another vs Republic [1992] TLR 330** where the court held;



"In this case the appellants missed the boat by trying to disown the statements at the defence stage. That was already too late. Objections, if any, ought to have been taken before they were admitted in evidence."


After establishing that the accused person did murder the deceased, Mr. Mwasubila submitted that, the accused did so with malice aforethought. He argued that through Exhibit P5 there is no a flicker of doubt that the accused person confessed to have made arrangements with his associates to murder the deceased. That, in his cautioned statement, the accused confessed that they attacked him, beat and strangled him by his neck to death. Mr. Mwasubila insisted that the accused person and his associates had common intentions as provided for under Section 23 of the Penal Code Cap 16 R. E. 2022 and in that he referred this court to the case of **Godfrey James Ihuya & Others vs Republic [1980] TLR 197** which held that;

"The 4th Appellant who directly participated in torturing the deceased is responsible for causing the death of the deceased under the doctrine of common intention."

In addition to that, the counsel argued that the conducts of the accused person and his associates manifested malice aforethought when they picked the deceased's body and conveyed it in the maize farm of PW4 and abandoned it. And as testified by PW1 that the accused person fled the

village after the commission of the offence, these conducts indicates that the accused person intended to murder the deceased as he was aware of his fate and consequential implications subsequent to his actions. Mr. Mwasubila again cited the case of Paul **Elias vs Republic** (*supra*) in emphasizing his argument.

Lastly, Mr. Mwasubila considered the evidence of the accused person that his general denial not to have committed the offence, to him is an afterthought, and even the defence of alibi as he raised it at the defence stage that he was in another village from the 07th of January, 2021 during the occurrence of the offence still, it is an afterthought as it was contrary to Section 194 (4)(5) and (6) of the Criminal Procedure Act [Cap. 20 R. E. 2022] where it requires that the accused person gives notice of alibi as his defence, in that, the court cannot accord any weight on such defence as the accused person neither gave notice of the defence of alibi nor furnish the prosecution side with the particulars of the same before the case for prosecution was closed, and the accused did not summon any witness to support his argument that he was at a different village as the offence occurred. The learned counsel cited the case of **Kubezya John vs Republic, Criminal Appeal No. 488 of 2015 CAT at Tabora** (Unreported) at page 25 where the Court referred the case of **Masudi Amlima vs Republic [1988] TLR 25**, and it held that;



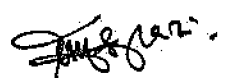
"The appellant's defence of alibi was properly rejected. He did not give the notice required under Section 194(4) of the Criminal Procedure Act, 1985 and he did not call the person he claimed was with him at the time of his commission of the offence."

Therefore, the learned counsel for prosecution insists that the accused person's claims that he was not present at the scene of offence is unfounded as he was correctly identified by the eye witness one Neema Boniface. And that he was tortured so that he records Exhibit P5, this was just an afterthought as he failed to raise during the tendering of the same or even cross examining the witness on the same. Mr. Mwasubila cited the case of **John Shini vs Republic, Criminal Appeal No. 573 of 2016 CAT** at **Shinyanga** at page 18, it was held that;

"It is a trite law that, a party who fails to cross examine a witness on a certain matter is deemed to have accepted and will be estopped from asking the court to disbelieve what the witness said, as the silence is tantamount to accepting its truth."

He cited further, in **Mohamed Katindi & Another vs Republic [1986] TLR 134** where the Court held that;

"It was the obligation of the defence counsel in duty to his client and to the court, to indicate in cross examination the theme of his

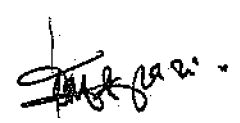


client's defence so as to give the prosecution to deal with the matter"

Mr. Mwasubila insists that the accused persons defence that he was not present when the incident occurred is inconceivable and that, the allegations that he did not record the cautioned statement are cooked stories. The learned counsel then referred this court to the case of **Magendo Paul & Another vs Republic [1993] TLR 2**, where it was held that;

"Remote possibilities in favour of the accused person cannot be allowed to benefit him. If we may add, fanciful possibilities are limitless, and it would be disastrous for the administration of criminal justice if they were permitted to displace solid evidence or dislodge irresistible inference."

In conclusion, the learned counsel for the prosecution submitted that on the basis of his findings above, the prosecution evidence from PW1, PW2, PW3, PW4, PW5 and PW6 and the tendered exhibits in Exhibit P1, P2, P3, P4 and P5 are watertight, reliable and credible that it is the accused person who murdered the deceased and he did so with malice aforethought. And in that, he suggests the accused person defence did not shake the prosecution evidence at any point, and therefore considering the strength of their evidence, he urges this court to find the accused person guilty of the offence charged against him and hence convict him.



I had the opportunity to hear and record the proceedings to this case, and thoroughly read the submissions as filed by the learned Counsels for the prosecution and the defence. The only major issue to be delt with in this case is **whether the prosecution side had proved their case to the required standards of the law.**

It is undisputed that a person has lost his life. This was confirmed by PW2 a medical doctor who performed the autopsy of the deceased's body and later on filled the Post Mortem Examination Report Exhibit P1 which revealed that, the deceased death was due to lack of air as sign of being strangled by the neck. Therefore, in this the prosecution side did prove that the deceased met his death unnaturally.

Now, who ended the life of the deceased. The prosecution side summoned six witnesses with the exceptional of PW2 and PW5, and tendered in evidence five exhibits but only Exhibit P3 (Witness Statement) and P5 (Accused's cautioned statement) will highly be considered in determining the perpetrator.

In my determination, I firstly considered the testimony of PW3, he was the police officer who arrived at the scene of crime and ordered the deceased's wife be taken into custody and also be interrogated. He said to be told by the deceased's wife that she recognized the accused person as she was walking home with her husband and confronted three men. She told

him that, among the three men, the accused person greeted her and she responded, and she identified him because she knew him well and that she was only two paces from the accused person, but still that night there was moon light and also as the confrontation between her husband and the accused person exploded, she lasted in it for about two to five minutes and then ran to her home.

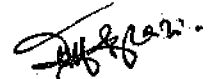
PW3 tendered in evidence Exhibit P3 as the said eyewitness was at large meaning she could not be found. As he read it in court, the maker claimed to clearly identify the accused person as she knew him well before the incident. This reminded me of the principle of naming the suspect at the earliest opportunity, whereas the person naming the suspect at the earliest chance means that there are no possibilities of mistaken identity. This fact was emphasized in a number of decisions but I will refer to only one that of **Mussa Mustapha Kusa & Others vs Republic Criminal Appeal No. 51 of 2010** (unreported) where the Court held that;

"Where a witness mentions the name of the offender at an earliest opportunity it is an assurance that the identification made by the witness is not a mistaken one."

Now that the culprit has been mentioned, PW1 was ordered to look for him and arrest. He did so by going to the accused's residence where he had rented. But PW1 did not find him, and he was told by the land lord that the

accused had handed over the house and he has disappeared to an unknown destination. However, on the 28th of February, 2021, PW1 was informed by the villagers that they have seen the accused person in a liquor shop, and therefore he went and arrested him. In his defence, the accused person did admit that he was arrested by PW1 and that he was told he is being arrested because he was the deceased's friend, to me this is baseless. No one gets arrest over the death of a friend not if unless he/she is involved in the commission of the death. The court can make inference from the conduct of the accused before and after the act. See, **Enock Kipala vs Republic, Criminal Appeal No. 150 of 1994** (unreported).

As he was arrested and taken to the police station, the accused person voluntarily recorded his cautioned statement to PW6. I say voluntarily because, as he repudiated that he had not made any statement, still during the trial within trial he contradicted his earlier stand by agreeing to have made his statement before PW6 and in that I was convinced that the cautioned statement was voluntarily recorded and hence its admission in evidence as Exhibit P5. In this statement, the accused person did confess to have planned the murder of the deceased so that he continues to have love affair with his wife, and he did confess that as they confronted the deceased and his wife that fateful night, they attacked by beating him and strangled him by his neck to death.



A cautioned statement being voluntarily made, becomes a very vital and reliable evidence against the accused person. In **Shija Luyeko vs Republic [2004] TLR 254**, it was held that;

“

- i. *A cautioned statement is admissible in evidence if it is proved that it was voluntarily made.*
- ii. *The court considered and accepted the truthfulness and voluntariness of the cautioned statement and therefore was entitled to convict without corroboration.”*

At this juncture, it has been proved that the accused person in this case did cause the death of the deceased. There is no evidence in his defence that could exonerate him from being culpable.

My other question is, did he do that with an evil intent? In referring to the Exhibit P5, the accused person had planned to murder the deceased person, I find it best to reproduce the wordings he used in the statement as hereunder;

"Nakumbuka tarehe 03/02/2021 saa tano usiku nikiwa Itenka "A" senta nikiwa na rafiki zangu Waziri s/o Maziku @ Chur ana Mussa s/o Kulwa, ndipo tulipanga njama ya Kwenda kumuua Nelson s/o Rwiche @ Thoma, tuliondoka kwa pamoja Kwenda nyumbani kwake anakopanga, tulipofika njiani nikamuona mbele yetu nikawaambia wenzangu kuwa huyu hapa tunaemtafuta wakati

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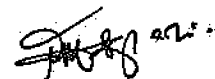
huo Nelson s/o Rwiche @ Thoma alikuwa na mke wake Neema d/o Boniphace."

Thereafter, together with his associates they carried and abandoned the deceased's body in a maize farm, and the accused himself fled away from the village attempting to establish that he was not around during the occurrence of the offence, contrary to the testimony of PW1 who testified that the accused person's land lord told him that the latter disappeared on the 03rd of February, 2021 at midnight and that he handed over the room he rented.

Under Section 200 (c) of the Penal Code, Cap 16 R.E 2022,

"Malice aforethought shall be deemed to be established by evidence proving any one or more of the circumstances - (c) and intent to commit an offence punishable with a penalty which is graver than imprisonment for three years."

The accused person in this case had the intent to do harm which now has caused death. Thus, malice aforethought has been proved. Therefore, I am of the firm conclusion that the charges against the accused person are proved beyond the required standards of the law.



Consequently, I find the accused person guilty of the offence of murder and proceed to convict the accused person with the offence of murder contrary to section 196 of the Penal Code, Cap 16 R.E 2019.

It is ordered accordingly.




T.M. MWENEMPAZI

JUDGE

06/03/2023

Date - 06/03/2023

Coram - Hon. T.M. Mwenempazi, J.

For Republic - Mr. Lugano Mwasubila – SA &
Mr. Disckson Makolo – SA

For Accused - Mr. Sweetbert Nkupilo – Advocate holding brief for
Mr. Hamad Said Amour – Advocate

Accused - Present

Interpreter - Ms. Zuhura Jabir – English into Kiswahili and vice
versa

Judge’s Legal Assistant – Mr. George Amani

State Attorney: The case is for judgment. We are ready to receive.

Defence Counsel: We are ready.

Court: Judgment delivered in Court in the presence of the parties.

Sentence: The only sentence for murder is death by hanging. The convict is sentenced accordingly.




T.M. MWENEMPAZI

JUDGE

06/03/2023

Right of appeal explained.




T.M. MWENEMPAZI

JUDGE

06/03/2023

ORIGINAL